



## **Arlington Conservation Commission**

**Date:** Thursday, October 7, 2021

**Time:** 7:30 PM

**Location:** Conducted by Remote Participation

In accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20 relating to the COVID-19 emergency, the September 23, 2021 public meeting of the Arlington Conservation Commission shall be physically closed to the public to avoid group congregation. The meeting shall instead be held virtually using Zoom. Please note: The listing of matters are those reasonably anticipated which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may be brought up for discussion to the extent permitted by law.

### **Agenda**

#### **1. Administrative**

- a. 7:30 p.m. Review Draft Meeting minutes from 9/23/2021
- b. 7:35 p.m. Thorndike Place Updates
- c. 7:40 p.m. Administrator candidate and temporary Administrator update / comments on the OSRP

#### **2. Hearings**

##### **Notice of Intent: 1165R Massachusetts Avenue MassDEP File # 091-0331**

- 7:45 p.m. This NOI is being filed under the state Wetlands Protection Act only. This project has also filed for a 40B Comprehensive Permit through Arlington's Zoning Board of Appeals. Project proposes to redevelop an industrial parcel into a 130-unit multi-family residential rental project within the 100-foot wetlands buffer and riverfront area of Mill Brook. This is a continued hearing from 9/2/2021. The Commission requested the following additional information:
  - A revised Stormwater Operation and Maintenance Plan
  - A Draft Stormwater Pollution Prevention Plan (SWPPP)
  - Bridge Construction overview

##### **Notice of Intent: Spy Pond Treatment MassDEP File #091-0330**

- 8:00 p.m. This project proposes a water quality management program for Spy Pond.

Continued from 9/02/2021 & 9/23/2021 hearings. The Commission requested the following additional information:

- Response to National Heritage letter issues concerning Engleman's Flatsedge and treatment plans to avoid impacts to this endangered plant including analysis impact for procellacor and requirement for an annual treatment plan
- Delete request for use of the following chemicals from the NOI: Alum and Glyphosate
- Updated survey map to be included in the NOI
- Require a licensed botanist to confirm the presence of spiny naiad and its locations in Spy Pond.

**Notice of Intent: 12-14 Brooks Avenue MassDEP File # 091-0333**

- 8:15 p.m. This project proposes to construct two rear decks using concrete sono-tube footings. The property and the proposed footings are located within Bordering Land Subject to Flooding and the 100-foot Buffer Zone to a Bordering Vegetated Wetland. Erosion controls will be used to minimize the potential for impacts to the resource areas during construction. If approved the project will provide compensatory flood storage, and reduce impervious area to improve existing site conditions. This is a continued hearing from 9/23/2021.

**Request for Determination of Applicability 14 Lake Shore Drive: Wetland bylaw File # A21.4**

- 8:30 p.m. This project proposes to remove the existing retaining wall, regrade the hillside and preform landscaping. The proposed activities are located within the 100-foot Buffer Zone to the Lower Mystic Lake.

**Request for Determination of Applicability 100 Wright Street:Wetland bylaw File # A21.5**

- 8:45 p.m. This project proposes to remove the existing deck and stairs and rebuild with a slightly bigger deck and stairs. New concrete footings will be installed as part of this project. The proposed activities are located within the 100-foot Buffer Zone to a Bordering Vegetated Wetland.

**Request for Extension of Order of Conditions - 17 Mill Street**

- 9:00 p.m. The Order was issued on 10-19-2018 and is set to expire this month. According to the Applicant, work on site has been completed, but their contractor needs some additional time to review the work and prepare the Request for Certificate of Compliance

3. Discussion

- a. 9:15 p.m. **Coolidge Road unauthorized clearing discussion**  
The Conservation Commission will discuss the vegetation clearing and tree removal on the vacant lots between 70 and 86 Coolidge Road with the two new owners.
- b. 9:30 p.m. **Working Session: Riverfront Restoration / Mitigation for Mass Ave 40B Project**  
Richard Kirby of LEC will present potential riverfront restoration / mitigation projects



to off-set riverfront work that is anticipated for a Massachusetts Ave 40B project. Discussion with Commission to understand benefits / challenges / feasibility of proposed off-site mitigation.

- c. 9:45 p.m. **CPA Applications**  
Preliminary Applications for CPA grant funding will be discussed for several potential projects.
  
- d. 10:00 p.m. **54 Dothan St site visit pre Certificate of Compliance (COC) request Applications**  
The owner wants to submit a COC request. Site visit, all the required planting of the trees and shrubs look in shape except for 3 inkberry shrubs due to rabbits chewing at the base of the shrubs.



## Town of Arlington, Massachusetts

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### Notice of Intent: 1165R Massachusetts Avenue MassDEP File # 091-0331

#### Summary:

7:45 p.m.

This NOI is being filed under the state Wetlands Protection Act only. This project has also filed for a 40B Comprehensive Permit through Arlington's Zoning Board of Appeals. Project proposes to redevelop an industrial parcel into a 130-unit multi-family residential rental project within the 100-foot wetlands buffer and riverfront area of Mill Brook. This is a continued hearing from 9/2/2021. The Commission requested the following additional information:

- A revised Stormwater Operation and Maintenance Plan
- A Draft Stormwater Pollution Prevention Plan (SWPPP)
- Bridge Construction overview

#### ATTACHMENTS:

Type	File Name	Description
Reference Material	Attachment_#1_-_Revised_OM_Plan.pdf	Revised OM Plan
Reference Material	Attachment_#2_-_DRAFT_SWPPP.pdf	Draft Swppp
Reference Material	Attachment_#3_-_Site_Access_092321.pdf	Site Access 9-23-21
Reference Material	~Bohler_Letter_to_ACC_9-27-21.pdf	Bohler Letter to ACC 9-27-21
Reference Material	1165R_Mass_Ave_NOI_NARRATIVE_-_8_17_2021.pdf	1165R Mass Ave NOI Narrative 8-17-21
Reference Material	1165R_Mass_Ave_NOI_(WPA_Only)_email.pdf	1165R Mass Ave NOI (WPA Only)

# **STORMWATER OPERATION AND MAINTENANCE PLAN**

*1165R Massachusetts Avenue  
Arlington, MA*

## **RESPONSIBLE PARTY DURING CONSTRUCTION:**

**1165R MASS MA PROPERTY LLC**  
c/o Spaulding & Slye Investments  
One Post Office Square  
Boston, MA 02109  
ATTN: Development Manager

## **RESPONSIBLE PARTY POST CONSTRUCTION:**

**1165R MASS MA PROPERTY LLC**  
c/o Spaulding & Slye Investments  
One Post Office Square  
Boston, MA 02109  
ATTN: Asset Manager

### **Construction Phase**

During the construction phase, all erosion control devices and measures shall be maintained in accordance with the final record plans, local/state approvals and conditions, the EPA Construction General Permit and the Stormwater Pollution Prevention Plan (SWPPP) if applicable. Additionally, the maintenance of all erosion / siltation control measures during construction shall be the responsibility of the general contractor. Contact information of the OWNER and CONTRACTOR shall be listed in the SWPPP for this site. The SWPPP also includes information regarding construction period allowable and illicit discharges, housekeeping and emergency response procedures. Upon proper notice to the property owner, the Town or its authorized designee shall be allowed to enter the property at a reasonable time and in a reasonable manner for the purposes of inspection.

### **Post Development Controls**

Once construction is completed, the post development stormwater controls are to be operated and maintained in compliance with the following permanent procedures (note that the continued implementation of these procedures shall be the responsibility of the Owner or its assignee):

1. Parking lots and on-site driveways: Sweep at least two (2) times per year and on a more frequent basis depending on sanding operations. All resulting sweepings shall be collected and properly disposed of off site in accordance with MADEP and other applicable requirements.

Approximate Maintenance Budget: \$1,000/year

2. Catch basins, yard drains, trench drains, manholes and piping: Inspect two (2) times per year and at the end of foliage and snow-removal seasons. These features shall be cleaned two (2) times per year or whenever the depth of deposits is greater than or equal to one

half the depth from the bottom of the invert of the lowest pipe in the catch basin or underground system. Accumulated sediment and hydrocarbons present must be removed and properly disposed of off site in accordance with MADEP and other applicable requirements.

Approximate Maintenance Budget: \$500/year per structure.

3. Water Quality Unit (Proprietary Separator): Follow manufacturer's recommendations (attached).

Approximate Maintenance Budget: \$1,000/year per unit.

4. Driveway perimeter peastone gravel infiltration trench: Preventative maintenance after every major storm event during the first three (3) months of operation and at least twice per year thereafter. Inspect trench to ensure proper operation after every major storm event (generally equal or greater to 2.0 inches in 24 hours) for the first three months. Remove trash and debris, remove grass clippings and accumulated organic matter. Any sediment removed shall be disposed of in accordance with MADEP and other applicable requirements.

Approximate Maintenance Budget: \$200/year.

5. Ryder Brook drainage swale: Inspect at least quarterly and after any rainfall of 2.0 or more inches occurring within a 24-hour period. Inspect the headwall and trash rack for debris or clogging. Remove any debris or clogs immediately. At least once per year, generally in the summer or early fall, the sideslopes of the channel shall be maintained by repairing any erosion, replacing vegetation that does not appear to be healthy, and removing any vegetation that has the potential to impair conveyance of water within the swale. Trees are not proposed within the swale and any naturally occurring trees shall be removed before they are large enough to cause significant disruption to the swale by their removal. The riprap stone channel bottom shall be inspected and repaired as necessary. Any accumulated sediment that could impair conveyance of water shall be removed. All materials removed from the swale including debris, sediment, or vegetative growth shall be disposed of in accordance with MADEP and other applicable requirements.

Approximate Maintenance Budget: \$2,000/year.

All components of the stormwater system will be accessible by the owner or their assignee.

**STORMWATER MANAGEMENT SYSTEM**  
**POST-CONSTRUCTION INSPECTION REPORT**

**LOCATION:**

*1165R Massachusetts Avenue  
Arlington, MA*

**RESPONSIBLE PARTY:**

**1165R MASS MA PROPERTY LLC**  
c/o Spaulding & Slye Investments  
One Post Office Square  
Boston, MA 02109  
ATTN: Asset Manager

NAME OF INSPECTOR:	INSPECTION DATE:
Note Condition of the Following (sediment depth, debris, standing water, damage, etc.):	
Catch Basins:	
Discharge Points:	
Water Quality Units:	
Driveway perimeter peastone gravel infiltration trench:	
Ryder Brook drainage swale or Other:	

Note Recommended Actions to be taken on the Following (sediment and/or debris removal, repairs, etc.):

Catch Basins:

Discharge Points:

Water Quality Units:

Driveway perimeter peastone gravel infiltration trench:

Ryder Brook drainage swale or Other:

Comments:

## ***STORMWATER INSPECTION AND MAINTENANCE LOG FORM***

**1165R Massachusetts Ave.**

***Arlington, MA***

[illegible]

# **LONG-TERM POLLUTION PREVENTION PLAN**

*1165R Massachusetts Avenue  
Arlington, MA*

## **RESPONSIBLE PARTY DURING CONSTRUCTION:**

**1165R MASS MA PROPERTY LLC**  
c/o Spaulding & Slye Investments  
One Post Office Square  
Boston, MA 02109  
ATTN: Development Manager

## **RESPONSIBLE PARTY POST CONSTRUCTION:**

**1165R MASS MA PROPERTY LLC**  
c/o Spaulding & Slye Investments  
One Post Office Square  
Boston, MA 02109  
ATTN: Asset Manager

For this site, the Long-Term Pollution Prevention Plan will consist of the following:

- The property owner shall be responsible for “good housekeeping” including proper periodic maintenance of building and pavement areas, curbing, landscaping, etc.
- Proper storage and removal of solid waste (dumpsters).
- Sweeping of driveways a minimum of twice per year with a commercial cleaning unit. Any sediment removed shall be disposed of in accordance with applicable local and state requirements.
- Regular inspections and maintenance of Stormwater Management System as noted in the “O&M Plan”.
- Snow removal shall be the responsibility of the property owner. Snow shall not be plowed, dumped and/or placed in forebays, infiltration basins or similar stormwater controls. Salting and/or sanding of pavement / walkway areas during winter conditions shall only be done in accordance with all state/local requirements and approvals.



## **OPERATON AND MAINTENANCE TRAINING PROGRAM**

The Owner will coordinate an annual in-house training session with staff to discuss the Operations and Maintenance Plan and the Long-Term Pollution Prevention Plan. Annual training will include the following:

### Discuss the Operations and Maintenance Plan

- Explain the general operations of the stormwater management system and its BMPs
- Identify potential sources of stormwater pollution and measures / methods of reducing or eliminating that pollution
- Emphasize good housekeeping measures

### Discuss Spill Prevention and Response Procedures

- Explain the process in the event of a spill
- Identify potential sources of spills and procedures for cleanup and /or reporting and notification
- Complete a yearly inventory or Materials Safety Data sheets of all tenants and confirm that no potentially harmful chemicals are in use.

### Operation and Maintenance Measures

- Trash and other debris shall be removed from all areas of the site at least twice yearly.
- Reseed any bare areas as soon as they occur. Erosion control measures shall be installed in these areas to prevent deposits of sediment from entering the drainage system.
- Grass shall be maintained at a minimum blade height of two to three inches and only 1/3 of the plant height shall be removed at a time. Clippings shall not be disposed of within stormwater management areas or adjacent resource areas.
- Plants shall be pruned as necessary.
- The use of fertilizers will be kept at a level consistent with typical residential use. Fertilizer will be applied a maximum of once to twice per year during the initial planting and stabilization of landscaped areas. Once plants are established and growing well fertilizer will be applied judiciously.
- The use of pesticides will be kept at a level consistent with typical residential use. Where possible mechanical methods (i.e. pest traps) or biological methods (i.e.

beneficial insects) of pest control shall be implemented. If pesticides (insecticide, herbicide, and fungicide) are required to be used, a pesticide which poses the lowest risk to public health and the environment shall be used.

- Pet waste shall be disposed of in accordance with local regulations. Pet waste shall not be disposed of in a storm drain or catch basin.
- Snow piles shall be located adjacent to or on pervious surfaces in upland areas. This will allow snow melt water to filter in to the soil, leaving behind sand and debris which can be removed in the springtime.
- In no case shall snow be disposed of or stored in resource areas (wetlands, floodplain, streams or other water bodies).
- If necessary, stockpiled snow will be removed from the Site and disposed of at an off-site location in accordance with all local, state and federal regulations.
- The amount of sand and deicing chemicals shall be kept at the minimum amount required to provide safe pedestrian and vehicle travel.
- Deicing chemicals are recommended as a pretreatment to storm events to minimize the amount of applied sand.
- Sand and deicing chemicals should be stockpiled under covered storage facilities that prevent precipitation and adjacent runoff from coming in contact with the deicing materials. Stockpile areas shall be located outside resource areas.

## **ILLICIT DISCHARGE STATEMENT**

Certain types of non-stormwater discharges are allowed under the U.S. Environmental Protection Agency Construction General Permit. These types of discharges will be allowed under the conditions that no pollutants will be allowed to come in contact with the water prior to or after its discharge. The control measures which have been outlined previously in this LTPPP will be strictly followed to ensure that no contamination of these non-storm water discharges takes place. Any existing illicit discharges, if discovered during the course of the work, will be reported to MassDEP and the local DPW, as applicable, to be addressed in accordance with their respective policies. No illicit discharges will be allowed in conjunction with the proposed improvements.

Duly Acknowledged:

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Name & Title

***STORM WATER POLLUTION PREVENTION PLAN***

***for***

***CONSTRUCTION ACTIVITIES***

***at***

1165R Massachusetts Avenue  
Residential Development

Map #57, Block #2, Lot #10B and Part of Lot #15  
1165R Massachusetts Avenue  
Arlington, MA 02476

**SWPPP Prepared For:**

1165R MASS MA PROPERTY LLC  
1165R Massachusetts Avenue  
Arlington, MA 02476

**Prepared by:**

**BOHLER**  
352 Turnpike Road  
Southborough, MA 01772  
Phone: (508) 480-9900  
[www.bohlerengineering.com](http://www.bohlerengineering.com)

**SWPPP Preparation Date:**

September 20, 2021

**Estimated Project Dates:**

Project Start Date: 11/29/2021  
Project Completion Date: 5/19/2023

**BOHLER //**

W191330

## **TABLE OF CONTENTS**

## **Page**

<b>SECTION 1: CONTACT INFORMATION/RESPONSIBLE PARTIES .....</b>	<b>2</b>
1.1 Summary of Requirements .....	2
1.2 Operator(s) / Subcontractor(s) .....	3
1.3 Stormwater Team.....	4
1.4 Required SWPPP Modifications.....	5
1.5 Requirement to Post a Notice of Permit Coverage .....	5
<b>SECTION 2: SITE EVALUATION, ASSESSMENT, AND PLANNING.....</b>	<b>7</b>
2.1 Project/Site Information.....	7
2.2 Project Latitude/Longitude .....	7
2.3 Additional Project Information .....	7
2.4 Discharge Information .....	7
2.5 Nature of the Construction Activity.....	9
2.6 Size of Construction Project .....	9
2.7 Construction Support Activities.....	9
2.8 Sequence and Estimated Dates of Construction Activities .....	9
2.9 Business Days and Hours for the Project.....	10
2.10 Potential Pollutant-Generating Activities .....	10
2.11 Deadline to Initiate Stabilization.....	10
2.11.1 Deadline to Complete Stabilization Activities .....	11
2.11.2 Exceptions to the Deadlines .....	11
2.12 Allowable Non-Stormwater Discharges .....	11
2.12.1 Prohibited Non-Stormwater Discharges.....	12
2.12.2 Control Measures for Non-Storm Water Flows .....	13
2.11 Site Maps .....	13
<b>SECTION 3: DOCUMENTATION OF COMPLIANCE WITH OTHER FEDERAL REQUIREMENTS.....</b>	<b>14</b>
3.1 Endangered Species Protection.....	14
3.1.1 Supporting Documentation.....	14
3.2 Historic Preservation.....	14
<b>SECTION 4: EROSION AND SEDIMENT CONTROLS .....</b>	<b>16</b>
4.1 Natural Buffers or Equivalent Sediment Controls .....	16
4.1.1 Buffer Compliance Alternatives .....	16
4.1.2. Buffer Exceptions .....	16
4.2 Perimeter Controls .....	17
4.2.1 Silt Fence.....	17
4.2.2. Diversion Ditch/Berm .....	17
4.2.3. Rock Check Dam.....	17
4.3 Sediment Track-Out.....	18
4.3.1 Specific Track-Out Controls.....	18
4.3.2 Maintenance Requirements .....	18
4.4 Stockpiled Sediment or Soil.....	18
4.5 Minimize Dust .....	18
4.6 Minimize the Disturbance of Steep Slopes .....	19
4.7 Topsoil .....	19
4.8 Soil Compaction .....	19
4.9 Storm Drain Inlets Protection .....	20
4.10 Constructed Stormwater Conveyance Channels .....	20
4.11 Sediment Basins.....	20
4.12 Chemical Treatment.....	20
4.13 Dewatering Practices .....	21
4.14 Other Stormwater Controls .....	22
4.15 Site Stabilization .....	22

4.15.1	Measures of the Stabilization .....	22
<b>SECTION 5: POLLUTION PREVENTION STANDARDS .....</b>		<b>24</b>
5.1	Potential Sources of Pollution.....	24
5.1.1	General Maintenance Requirements.....	24
5.2	Spill Prevention and Response.....	24
5.2.1	Emergency Spill Notification .....	25
5.2.2	Reporting.....	25
5.3	Fueling and Maintenance of Equipment or Vehicles .....	25
5.4	Washing of Equipment and Vehicles.....	26
5.5	Storage, Handling, and Disposal of Construction Products, Materials, and Wastes .....	26
5.5.1	Building Products .....	26
5.5.2	Pesticides, Herbicides, Insecticides, Fertilizers, and Landscape Materials .....	26
5.5.3	Diesel Fuel, Oil, Hydraulic Fluids, Other Petroleum Products, and Other Chemicals .....	26
5.5.4	Hazardous or Toxic Waste .....	27
5.5.5	Construction and Domestic Waste .....	27
5.5.6	Sanitary Waste.....	27
5.6	Washing of Applicators and Containers used for Paint, Concrete or Other Materials.....	28
5.7	Fertilizers .....	28
5.8	Other Pollution Prevention Practices .....	28
5.8.1.	Contaminated Soils.....	28
5.8.2.	Snow Removal Plan .....	28
<b>SECTION 6: INSPECTION AND CORRECTIVE ACTION .....</b>		<b>29</b>
6.1	Inspection Personnel and Procedures.....	29
6.1.1	Inspection Schedule.....	29
6.1.2	Inspection Areas .....	29
6.1.3	Inspection Requirements .....	30
6.1.4	Inspection Reports .....	31
6.1.5	Inspection By EPA .....	32
6.2	Corrective Action.....	32
6.2.1.	Corrective Action Report .....	32
6.3	Delegation of Authority .....	33
<b>SECTION 7: TRAINING .....</b>		<b>34</b>
<b>SECTION 8: TERMINATION OF COVERAGE.....</b>		<b>35</b>
<b>SECTION 9: CERTIFICATION AND NOTIFICATION.....</b>		<b>36</b>
<b>SWPPP APPENDICES .....</b>		<b>37</b>

## **PROJECT SUMMARY**

The subject property is located at 1165R Massachusetts Avenue, Massachusetts and contains existing former mill buildings and associated paved parking and driveway areas, landscaping, and utilities. The mill buildings are currently used as office space or for other commercial purposes. The site is further classified as Map #57, Block #2, Lot #10B and a portion of Lot #15 and contains approximately 2.2 acres of land located on a rear lot on Massachusetts Avenue with secondary access to Ryder Street.

Construction will include the complete demolition of one building and partial demolition of portions of the other buildings and renovation of the remaining existing mill building into residential units. At-grade parking would be provided as well as parking under the new buildings. The existing overhead pedestrian bridge connection between the Workbar building and the mill building would be removed and the Workbar building would remain and be subdivided from the rest of the property. The existing vehicular bridge crossing Mill Brook would be replaced. New green space and better pedestrian access along Mill Brook is proposed.

## SECTION 1: CONTACT INFORMATION/RESPONSIBLE PARTIES

### 1.1 Summary of Requirements

Because the project will disturb more than 1 acre during construction, coverage under EPA's National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharge from Construction Activities is necessary. In order for the project to obtain coverage under this NPDES General Permit, a Storm Water Pollution Prevention Plan (SWPP Plan) must be developed that contains the following requirements:

1. Certifications for the Owner, Operator, and Subcontractors must be included in the SWPP Plan. The Owner is defined as the permittee with operational control over construction plans and specifications. The Operator is defined as the permittee with day-to-day operational control over activities necessary to ensure compliance with the SWPP Plan. The Subcontractor is defined as anyone employed by the Operator to carry out construction activities. Certifications are provided in Section 8.0 and Appendix G of this SWPP Plan.
2. An electronic Notice of Intent (eNOI) must be filed with the federal Environmental Protection Agency (EPA) prior to the initiation of construction activity covered by the General Permit. Construction activities may begin fourteen (14) days after receipt of a complete eNOI is posted on EPA's NPDES web site. A paper copy of the Notice of Intent is provided for reference in Appendix A. The eNOI shall be completed and submitted by logging into the following website: <https://www.epa.gov/npdes/stormwater-discharges-construction-activities#ereporting> and following the steps to fill out a eNOI for the 2017 General Permit for Stormwater Discharges from Construction Activities (CGP). The eNOI will need to be certified by an appropriate member of the operator's company. The certifying authority will need to set up and account with the EPA's NeT-CGP reporting system by registering as a certifier at this website address: <https://cdxnodengn.epa.gov/oeca-cgp-web/action/registration>.
3. The Owner must also demonstrate as to whether or not the project's receiving waters has an established or approved Total Maximum Daily Load (TMDL). These issues are discussed in Section 2.0.
4. The Owner must demonstrate compliance with the Endangered Species Act (ESA) and the Historic Preservation Act (HPA). The Owner must determine whether any listed endangered or threatened species or designated critical habitat exists in the Project area. The Owner must also determine whether areas of historical significance occur in the vicinity of the site. These issues are outlined in Section 3.0 and Appendices J and K contain correspondence with the Massachusetts Historical Commission and U.S. Fish and Wildlife Endangered Species Division.
5. Storm water pollution prevention controls for construction activities must be implemented and must conform to the Massachusetts Department of Environmental Protection and Federal Environmental Protection Agencies Standards. The storm water pollution prevention controls proposed for this project are presented in Section 4.0.
6. The SWPP Plan must identify any authorized non-storm water discharges that are combined with storm water discharges and implement a system of controls to provide appropriate pollution prevention measures to these components of the discharge. Non-storm water discharges and appropriate controls are discussed in Section 5.0.
7. An inspection and maintenance plan must be developed and implemented. This inspection and maintenance plan is presented in Section 6.0. Construction activity records must be completed and maintained. Construction activity records shall be completed and maintained in Appendix C and Site Inspection Reports shall be completed and maintained in Appendix D.



8. A written description of the release of an Reportable Quantity (RQ), an estimate of the amount of the release, the date of the release, the circumstances leading up to the release, and the steps that will be taken in response to the release must be submitted to the EPA. Copies of the written description shall be retained in Appendix E.
9. The SWPP Plan must be updated to accurately reflect site changes, control measure changes or in response to a hazardous or reportable quantity (RQ) release as defined in the Emergency Response Plan for the Project. Copies of SWPP Plan amendments shall be retained in Appendix F.
10. After final stabilization of the construction site, a Notice of Termination (NOT) shall be submitted to the EPA. The NOT will be retained in Appendix B.
11. The SWPP Plan and all construction records must be retained for a period of at least 3 years following final stabilization and the filing of a NOT. A copy of the SWPP Plan and all pertinent records shall be maintained at the construction site during the duration of construction activity.

Additional requirements under the General Permit that are not included as part of this SWPP Plan include the following:

1. A notice must be at the construction site main entrance that includes the General Permit numbers for the project (when assigned) and a copy of the eNOI, the name and telephone number of the local contact person, a brief description of the project, and the location of the SWPP Plan if the site is inactive or does not have an on-site location to store the plan.
2. The Owner and Operator must allow access to the construction site by the EPA and Massachusetts Department of Environmental Protection (MassDEP).

## **1.2 Operator(s) / Subcontractor(s)**

All Operators associated with this construction project to be covered under the NPDES General Permit must adhere to the requirements of this Stormwater Pollution Prevention Plan (SWPPP). This SWPPP was required to be developed prior to submitting the electronic Notice of Intent (eNOI).

All known Operators associated with a construction project to be covered under this permit have been identified and are noted within this section of this SWPPP. This SWPPP has been developed on behalf of Owner/Developer but may be used as a group SWPPP as it is intended to address both the owner's and the General Contractor's scope of work and obligations under the General Permit. Should the General Contractor choose to utilize this SWPPP to obtain coverage under the General Permit, they must complete and submit the appropriate documents, certifications and NOI included within the SWPPP.

Note: For the purposes of this SWPPP, an "Operator" is any party associated with a construction project that meets either of the following two criteria:

1. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or
2. The party has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions (e.g. they are authorized to direct workers at a site to carry out activities required by the permit).

Subcontractors generally are not considered operators for the purposes of this permit, but are required to comply with the Stormwater Pollution Prevention Plan (SWPPP) for any work that they perform on-site. It

is recommended that the Operators require their subcontractors sign a Subcontractor Agreements such as the type included in Appendix G of this SWPPP.

All Operators must file an eNOI to obtain coverage under the General Permit.

Note: Where there are multiple operators associated with the same project, all operators are required to obtain permit coverage.

The Operator(s) who will be engaged in construction activities at the site have been identified as the following:

Owner/Developer Name:	1165R MASS MA PROPERTY LLC c/o Spaulding & Slye Investments
Contact Name:	Daniel St. Clair
Street:	One Post Office Square
City, State, Zip Code:	Boston, MA 02109
Telephone:	(617) 531-4244
Fax:	(312) 416-5243
Email:	Daniel.Stclair@ssinvests.com

Contractor Name:	<u>TBD</u>
Contact Name:	
Street:	
City, State, Zip Code:	
Telephone:	
Fax:	
Email:	

### 1.3 Stormwater Team

Each Operator, or group of multiple operators that will be involved with this project, must assemble a "Stormwater Team," which will be responsible for overseeing the development of the SWPPP, any later modifications to it, and for compliance with the requirements of the General Permit. This SWPPP identifies the following individuals as the Stormwater Team:

Role or Responsibility:	Civil Engineer
Name:	Randy Miron
Position:	Project Manager
Telephone:	(508) 480-9900
Email:	RMiron@bohlereng.com

Role or Responsibility:	Site work / inspections
Name:	TBD
Position:	
Telephone:	
Email:	

Each member of the stormwater team must maintain ready access to an electronic or paper copy of applicable portions of this permit, the most updated copy of the SWPPP, and other relevant documents or information that must be kept with the SWPPP.

#### **1.4 Required SWPPP Modifications**

The Operator(s) must modify the SWPPP, including the site map(s), in response to any of the following conditions:

- Whenever new operator(s) become active in construction activities on your site, or changes are made to the construction plans, stormwater control measures, pollution prevention measures, or other activities at the site that are no longer accurately reflected in your SWPPP. This includes changes made in response to corrective actions. The SWPPP does not need to be modified if the estimated construction sequence dates change during the course of construction;
- To reflect areas on the site map where operational control has been transferred (and the date of transfer) since initiating permit coverage;
- If inspections or investigations by site staff, or by local, state, tribal, or federal officials determine that SWPPP modifications are necessary for compliance with this permit;
- Where EPA determines it is necessary to impose additional requirements on your discharge, the following must be included in your SWPPP:
  - A copy of any correspondence describing such requirements and;
  - A description of the stormwater control measures that will be used to meet such requirements.
- To reflect any revisions to applicable federal, state, tribal, or local requirement that affect the stormwater control measures implemented at the site; and
- If applicable, if a change in chemical treatment systems or chemically enhanced stormwater control is made, including use of a different treatment chemical, different dosage rate, or different area of application.

The Operator must complete required revisions to the SWPPP within 7 calendar days following the occurrence of any of the conditions listed above.

All modifications shall be recorded in Appendix F and shall include dates, description of the modification, and the name of the person authorizing the change. All affected operators shall be notified of said change.

#### **1.5 Requirement to Post a Notice of Permit Coverage**

A sign or other notice of permit coverage must be posted at a safe, publicly accessible location in close proximity to the construction site. The notice must be located so that it is visible from the public road that is nearest to the active part of the construction site, and it must use a font large enough to be readily viewed from a public right-of-way. At a minimum, the notice must include:

- The NPDES ID (i.e. permit tracking number)
- A contact name and phone number for obtaining additional construction site information

- The Uniform Resource Locator (URL) for the SWPPP (if available), or the following statement: “If you would like to obtain a copy of the Stormwater Pollution Prevention Plan (SWPPP) for this site, contact the EPA Regional Office at <https://www.epa.gov/npdes/contact-us-stormwater#regional> “
- The following statement “If you observe indicators of stormwater pollutants in the discharge or in the receiving waterbody, contact the EPA through the following website:  
<https://www.epa.gov/enforcement/report-environmental-violations> .”

## SECTION 2: SITE EVALUATION, ASSESSMENT, AND PLANNING

### 2.1 Project/Site Information

Project Site Name: 1165R MASS MA PROPERTY LLC Residential Development  
Project Address: 1165R Massachusetts Avenue, Arlington  
Project State and Zip Code: Massachusetts, 02476  
Project County: Middlesex County

### 2.2 Project Latitude/Longitude

Latitude: 42° 25' 26.06" N (degrees, minutes, seconds)  
Longitude: 71° 10' 23.96" W (degrees, minutes, seconds)

Method for determining latitude/longitude:

- ☐ USGS Topographic Map (specify scale): \_\_\_\_\_  
☐ EPA Web Site  
☐ GPS  
☒ Other: Google Earth

Horizontal Reference Datum:

- ☐ NAD27 ☐ NAD 83 or WGS 84 ☒ Unknown

### 2.3 Additional Project Information

Is the project/site located in Indian country land, or located on property of a religious or cultural significance to an Indian tribe?

- ☐ Yes ☒ No

If Yes, provide the name of Indian country land or Indian tribe associated with property:

\_\_\_\_\_

Are the earth-disturbing activities in response to a public emergency?

- ☐ Yes ☒ No

If Yes, provide the cause of the public emergency:

\_\_\_\_\_

Are you applying for permit coverage as a "federal operator" as defined in Appendix A of the 2012 Construction General Permit?

- ☐ Yes ☒ No

### 2.4 Discharge Information

Does your project/site discharge stormwater into a Municipal Separate Storm Sewer System (MS4)?

- ☐ Yes ☒ No

Are there any surface waters that are located within 50 feet of your construction disturbance?

- ☒ Yes ☐ No

**Table 1 – Names of Receiving Waters**

Name(s) of the first surface water that receives stormwater directly from your site and/or from the MS4 (note: multiple rows provided where your site has more than one point of discharge that flows to different surface waters)	
1.	<b>Mill Brook</b>
2.	
3.	

**Table 2 – Impaired Waters / TMDLs** (Answer the following for each surface water listed in Table 1 above)

	Is this surface water listed as "impaired"?	If you answered yes, then answer the following:			
		What pollutant(s) are causing the impairment?	Has a TMDL been completed?	Title of the TMDL document	Pollutant(s) for which there is a TMDL
1.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<b>E. Coli</b>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<b>N/A</b>	<b>N/A</b>
2.	<input type="checkbox"/> YES <input type="checkbox"/> NO		<input type="checkbox"/> YES <input type="checkbox"/> NO		
3.	<input type="checkbox"/> YES <input type="checkbox"/> NO		<input type="checkbox"/> YES <input type="checkbox"/> NO		

Describe the method(s) you used to determine whether or not your project/site discharges to an impaired water:

**Review of Final Massachusetts 303(d) Listed Waters for Reporting Year 2016**

**Table 3 – Tier 2, 2.5, or 3 Waters** (Answer the following for each surface water listed in Table 1 above)

	Is this surface water designated as a Tier 2, Tier 2.5, or Tier 3 water? (see Appendix F of General Permit)	If you answered yes, specify which Tier (2, 2.5, or 3) the surface water is designated as?
1.	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<b>N/A</b>
2.	<input type="checkbox"/> YES <input type="checkbox"/> NO	
3.	<input type="checkbox"/> YES <input type="checkbox"/> NO	

## 2.5 Nature of the Construction Activity

Construction activities will involve site preparation necessary for construction of the foundations for the major on-site structures, building of the access road, installation of the necessary underground utilities, and construction of the storm water management features. These activities primarily include: clearing and stripping of vegetation, excavating, hauling within site and stockpiling of top and subsoils, and trenching and rough grading. If foundation excavations penetrate into the groundwater table, lowering of the water table will be required through localized perimeter point well dewatering. Once the excavations are completed, forms will be constructed for footings, piers, piles and/or foundations. The structure will then be constructed on the completed building foundations.

Soil erosion and sediment control measures will be installed prior to the commencement of any significant soil disturbing activities and will remain in place until final site stabilization is complete. These are discussed in the following section. Topsoil which must be excavated for site development will be separated from the remaining soil and stockpiled on-site (if practicable) for use during site landscaping. The stockpiled topsoil will be surrounded by silt fence and seeded to prevent the mobilization of sediment.

## 2.6 Size of Construction Project

Size of Property: 2.2 acres

Total Area of Construction Disturbance (in acres): 2.25 acres

Max. Area to be Disturbed At Any One Time (in acres): 2.25 acres

## 2.7 Construction Support Activities

Construction support activities located beyond the construction project area are not to be covered under this SWPPP and the Construction General Permit.

## 2.8 Sequence and Estimated Dates of Construction Activities

The following is a description of the intended sequence of construction activities, including an approximate schedule of the estimated start dates and the duration of the activity, for the following activities:

### Project Schedule: Sequence of Major Activities

Construction is scheduled to begin **November 29, 2021** and extend for approximately **539** calendar days. Construction activities shall be documented and retained.

Construction activities include the following:

- *Construction activities may begin **14** days after receipt of complete NOI posted on EPA's NPDES web site.*
- *Construct temporary construction exit points at locations shown in the plans, for construction traffic. [11/21]*
- *Install silt fences around locations of all existing drainage structures as shown on the Erosion Control Plan. [11/21]*
- *Install additional erosion control measures as outlined on the Erosion Control Plan. [11/21]*
- *Perform clearing, grubbing, and topsoil removal as required. [12/21]*
- *Begin site-grading operations. Approximately **2.25** acres of disturbance. [12/21]*
- *Install storm sewer pipes and underground utility lines as shown on the plans with appropriate erosion control measures to eliminate siltation from entering pipe systems. [3/22]*

- *Begin building construction. [4/22]*
- *When applicable, install base material as required for pavement. [6/22]*
- *Construction of all curb and gutter, gutter inlets, area inlets, and storm sewer manholes, as shown on the plans. [7/22]*
- *Remove inlet protection around inlets and manholes no more than 48 hours prior to placing stabilized base course, if applicable. Note that erosion control around inlets cannot be removed until paving operations are complete. [4/23]*
- *Carry out final grading and seeding and planting as shown on Landscape Plan. [4/23]*  
*Remove silt fencing only after all paving is complete and exposed surfaces are stabilized. [5/23]*
- *Remove temporary construction exits only prior to pavement construction in these areas (these areas are to be paved last). [5/23]*
- *Install final pavement as shown on the plans. [5/23]*
- *Filing of NOT. [6/23]*
- *Records retention for 3 years after filing NOT.*

## **2.9 Business Days and Hours for the Project**

The contractor is to confirm allowable work hours with the municipality's Building Department.

## **2.10 Potential Pollutant-Generating Activities**

The following activities are anticipated during construction and could have the potential to generate pollutants. All such activities are to be conducted in accordance with all applicable General Permit requirements and in accordance with industry-standard best management practices. An inventory of possible pollutants associated with each activity is listed below next to the activity.

- Earthwork activities- sediment, earthwork equipment oil and fuel
- Paving operations- asphalt, asphalt sealer, oil, paving equipment fuel
- Concrete- concrete washout, concrete truck oil and fuel
- Exterior building painting- solvents, paint thinners, painting wash water
- Landscaping- outdoor fertilizer storage and application of fertilizer
- Solid waste storage and disposal- construction waste including any of the items above and materials such as caulk, sealant, PVC glue, etc.

## **2.11 Deadline to Initiate Stabilization**

The operator must initiate soil stabilization measures immediately whenever earth-disturbing activities have permanently or temporarily ceased on any portion of the site. Earth-disturbing activities have permanently ceased when clearing and excavation within any area of the construction site that will not include permanent structures has been completed. Earth-disturbing activities have temporarily ceased when clearing, grading, and excavation within any area of the site that will not include permanent structures will not resume (i.e., the land will be idle) for a period of 14 or more calendar days, but such activities will resume in the future. The 14-calendar day timeframe begins counting as soon as the Operator knows that construction work on a portion of the site will be temporarily ceased. In circumstances where unplanned or unanticipated delays in construction due to circumstances beyond the Operators control (e.g., sudden work stoppage due to unanticipated problems associated with construction labor, funding, or other issues related to the ability to work on the site; weather conditions rendering the site unsuitable for the continuation of construction work) and you do not know at first how long the work stoppage will continue, the requirement to immediately initiate stabilization is triggered as soon as you know with reasonable certainty that work will be stopped for 14 or more additional calendar days. At that point, you must comply with the deadlines to initiate and complete stabilization.



For the purposes of this SWPPP, EPA will consider any of the following types of activities to constitute the initiation of stabilization:

1. Prepping the soil for vegetative or non-vegetative stabilization;
2. Applying mulch or other non-vegetative product to the exposed area;
3. Seeding or planting the exposed area;
4. Starting any of the activities in # 1 – 3 on a portion of the area to be stabilized, but not on the entire area; and
5. Finalizing arrangements to have stabilization product fully installed in compliance with the applicable deadline for completing stabilization.

#### ***2.11.1 Deadline to Complete Stabilization Activities***

As soon as practicable, but no later than 14 calendar days after the initiation of soil stabilization measures consistent with this SWPPP, the Operator is required to have completed:

- a. For vegetative stabilization, all activities necessary to initially seed or plant the area to be stabilized; and/or
- b. For non-vegetative stabilization, the installation or application of all such non-vegetative measures.

Final site stabilization is achieved when turf grass cover provides permanent stabilization for at least 70 percent of the disturbed soil surface, exclusive of areas that have been paved.

#### ***2.11.2 Exceptions to the Deadlines***

Deadlines for projects that are affected by arid or drought-stricken areas, snow cover, or circumstances beyond the control of the Operator (as defined in Part 2 of the General Permit) that delay the initiation and/or completion of vegetative stabilization as required in this SWPPP, and are using vegetative cover for temporary or permanent stabilization, may comply with the following stabilization deadlines instead:

- i. Immediately initiate, and within 14 calendar days complete, the installation of temporary non-vegetative stabilization measures to prevent erosion;
- ii. Complete all soil conditioning, seeding, watering or irrigation installation, mulching, and other required activities related to the planting and initial establishment of vegetation as soon as conditions or circumstances allow it on your site; and
- iii. Document the circumstances that prevent you from meeting the deadlines required in Section 2.9.1 above and the schedule you will follow for initiating and completing stabilization.

### **2.12 Allowable Non-Stormwater Discharges**

The following is a list of allowable non-stormwater discharge present at the site:

<b>Type of Allowable Non-Stormwater Discharge</b>	<b>Likely to be Present at Your Site?</b>
Discharges from emergency fire-fighting activities	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Fire hydrant flushings	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Landscape irrigation	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

Waters used to wash vehicles and equipment	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Water used to control dust	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Potable water including uncontaminated water line flushings	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Routine external building wash down	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Pavement wash waters	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Uncontaminated air conditioning or compressor condensate	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Uncontaminated, non-turbid discharges of ground water or spring water	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Foundation or footing drains	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Construction dewatering water	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

- Discharges from firefighting activities: Emergency firefighting activities are not anticipated.
- Fire hydrant flushing: Fire hydrant flushing is anticipated for the installation of new hydrants.
- Landscape irrigation: Landscape irrigation is proposed within this development.
- Water used to wash vehicles where detergents are not used: The washing of construction vehicles and equipment are not proposed onsite.
- Water used to control dust control: Dust control may be implemented onsite during construction and is anticipated to be located within ongoing non-stabilized work areas to prevent dry arid conditions.
- Potable water including uncontaminated water line flushing: During construction, it is anticipated that water line flushing will occur to assure quality control during installation.
- Routine external building wash down that does not use detergents: The existing buildings to remain may be washed down to improve their appearance.
- Pavement wash waters: Not anticipated.
- Uncontaminated air conditioning or compressor condensate: The proposed building will contain air conditioning, however it is unknown at this time as to whether the condensate will discharge to the surface or be conveyed through the building plumbing.
- Uncontaminated ground water or spring water: Not anticipated.
- Foundation or footing drains where flows are not contaminated with process materials such as solvents: Not anticipated.
- Uncontaminated excavation dewatering: Not anticipated.

### ***2.12.1 Prohibited Non-Stormwater Discharges***

The following discharges are specifically prohibited by the EPA's General Permit:

1. Wastewater from washout of concrete, unless managed by an appropriate control as described in the General Permit.
2. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials.
3. Fuels, oils, or other pollutants used in vehicle and equipment operation maintenance.
4. Soaps, solvents, or detergents used in vehicle and equipment washing or external building washdown.

5. Toxic or hazardous substances from a spill or other release.

To prevent the above-listed prohibited non-stormwater discharges, operators must comply with the applicable pollution prevention requirements in the General Permit.

#### ***2.12.2 Control Measures for Non-Storm Water Flows***

Dust control water sprays and irrigation sprinklers shall be undertaken to minimize any volume of non-stormwater runoff.

Pumped groundwater draw down water, fireline and potable waterline flushings shall be conducted directly into the storm water conveyance system. Flows are only to be directed into the drainage swales if adequate vegetative cover has been established and/or other provisions are taken to prevent erosion of the conveyance structures. Care shall be taken to prevent high flow hose discharges from eroding the detention pond bottom by either using splashboards or directing the flow into an existing pool of water. Groundwater or storm water pumped from excavations that contain silt or sediment shall be directed to a silt-fenced or straw bale diked area for settling prior to discharge to the detention basins.

Wash-up waters shall be directed to the detention basins. No wash waters containing chemicals shall be discharged on-site.

### **2.11 Site Maps**

As part of this SWPPP a comprehensive design site plan package was developed entitled “Proposed Site Plan Documents for 1165R MASS MA PROPERTY LLC”, see Appendix N. These plans are considered to be part of this SWPPP and shall be retained and made accessible in accordance with the SWPPP.

## SECTION 3: DOCUMENTATION OF COMPLIANCE WITH OTHER FEDERAL REQUIREMENTS

### 3.1 Endangered Species Protection

Under what criterion listed in Appendix D of the General Permit are you eligible for coverage?

- ☒ A      ☐ B      ☐ C      ☐ D      ☐ E      ☐ F

#### 3.1.1 Supporting Documentation

For criterion A, indicate the basis for your determination that no federally-listed threatened or endangered species or their designated critical habitat(s) are likely to occur in your site's action area (as defined in Appendix A of the General Permit). Check the applicable source of information you relied upon including:

- ☐ Specific communication with staff of the U.S. Fish & Wildlife Service or National Marine Fisheries Service.  
☐ Publicly available species list: U.S. Fish & Wildlife Massachusetts Endangered Species List  
☒ Other source: Online NHESP mapping on MassGIS

### 3.2 Historic Preservation

The following steps outline the Screening Process in Appendix E of the General Permit:

#### Step 1

Do you plan on installing any of the following stormwater controls at your site? Check all that apply below, and proceed to Step 2.

- ☐ Dike  
☐ Berm  
☒ Catch Basin  
☐ Pond  
☐ Stormwater Conveyance Channel (e.g., ditch, trench, perimeter drain, swale, etc.)  
☐ Culvert  
☒ Other type of ground-disturbing stormwater control: Headwall with trash rack

#### Step 2

If you answered yes in Step 1, have prior surveys or evaluations conducted on the site already determined that historic properties do not exist, or that prior disturbances at the site have precluded the existence of historic properties? ☐ YES ☒ NO

If yes, no further documentation is required for Section 3.2 of the SWPPP.

#### Step 3

If you answered no in Step 2, have you determined that your installation of subsurface earth-disturbing stormwater controls will have no effect on historic properties? ☒ YES ☐ NO

If yes, provide documentation of the basis for your determination.

See documentation from the Massachusetts Historic Commission in Appendix K.

#### Step 4

If you answered no in Step 3, did the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Office (THPO), or other tribal representative (whichever applies) respond to you within 15 calendar days to indicate whether the subsurface earth disturbances caused by the installation of stormwater controls affect historic properties? ☒ YES ☐ NO

If no, no further documentation is required for Section 3.2 of the SWPPP.

If yes, describe the nature of their response:

- ☐ Written indication that adverse effects to historic properties from the installation of stormwater controls can be mitigated by agreed upon actions.
- ☐ No agreement has been reached regarding measures to mitigate effects to historic properties from the installation of stormwater controls.
- ☒ Other: A Project Notification Form was submitted to the MHC on 10/15/20 and was signed off by Elizabeth Sherva of the MHC on 11/10/20 as not likely to affect significant historic or archaeological resources.

## SECTION 4: EROSION AND SEDIMENT CONTROLS

### 4.1 Natural Buffers or Equivalent Sediment Controls

Are there any surface waters within 50 feet of your project's earth disturbances? ☒ YES ☐ NO

If no, no further documentation is required for Section 4.1 of the SWPPP.

#### 4.1.1 Buffer Compliance Alternatives

If yes was noted above, check the compliance alternative that you have chosen:

- ☐ I will provide and maintain a 50-foot undisturbed natural buffer.
- ☒ I will provide and maintain an undisturbed natural buffer that is less than 50 feet and is supplemented by additional erosion and sediment controls, which in combination achieves the sediment load reduction equivalent to a 50-foot undisturbed natural buffer.
- ☐ It is infeasible to provide and maintain an undisturbed natural buffer of any size, therefore I will implement erosion and sediment controls that achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer.
- ☒ I qualify for one of the exceptions in Part 2.1.2.1.e. of the General Permit (If you have checked this box, provide information on the applicable buffer exception that applies, below.)

#### 4.1.2. Buffer Exceptions

Which of the following exceptions to the buffer requirements applies to your site?

- ☐ There is no discharge of stormwater to the surface water that is located 50 feet from my construction disturbances.
- ☒ No natural buffer exists due to pre-existing development disturbances that occurred prior to the initiation of planning for this project.
- ☐ For a "linear project" (defined in Appendix A of the General Permit), site constraints (e.g., limited right-of-way) make it infeasible for me to meet any of the CGP Part 2.1.2.1.a compliance alternatives.
- ☐ The project qualifies as "small residential lot" construction (defined in Part 2.1.2.1.e.iv and in Appendix A of the General Permit).

For Alternative 1 (see Appendix G, Part G.2.3.2.a. of the General Permit):

For Alternative 2 (see Appendix G, Part G.2.3.2.b. of the General Permit):

- ☐ Buffer disturbances are authorized under a CWA Section 404 permit.

- ☐ Buffer disturbances will occur for the construction of a water-dependent structure or water access area (e.g., pier, boat ramp, and trail).

## 4.2 Perimeter Controls

Compliance with the regulation to provide a 50' equivalent vegetated buffer is met by providing a combination of perimeter erosion controls that will provide the appropriate protection against sediment runoff. Perimeter controls that will be implemented for this project include the following.

### 4.2.1 Silt Fence

Silt fence is a synthetic permeable mesh fabric typically incorporating wooden support stakes at intervals sufficient to support the fence and water and sediment retained by the fence. Silt fence is also available with a wire mesh backing. The fence is designed to retain sediment-laden water to allow settlement of suspended soils before filtering through the mesh fabric for discharge downstream. Silt fence shall be located to capture overland, low-velocity sheet flows as follows:

<b>Silt Fence Section</b>	<b>Section Length (feet)</b>	<b>Drainage Area (acres)</b>	<b>Avg. Land Slope (percent)</b>
<b>At Mill Brook- North of Bridge</b>	275	0.5	2%
<b>At Mill Brook- South of Bridge</b>	160	0.25	2%
<b>South side of property</b>	230	0.35	3%
<b>East side of property</b>	310	0.15	2%

Install silt fence at a fairly level grade (along the contour) to provide sufficient upstream storage volume for the anticipated runoff. A construction detail has been provided on the erosion and sediment control plans. All sediment accumulated shall be removed before it reaches one-half of the above ground height of the perimeter control. See section 2.8 for installation sequencing.

### 4.2.2 Diversion Ditch/Berm

Diversion ditches (or swales) and berms (or dikes) are constructed as shown on the Construction Drawings at locations within the construction site to intercept overland flow and direct or divert flow to a sediment basin or other point where discharge can be controlled. Ditches are excavated in the surface soils with the spoils from excavation typically placed along the downstream edge of the ditch to provide additional capacity. Berms are built up on the surface soils and compacted to create a stable diversion. A construction detail has been provided on the erosion and sediment control plans. All sediment accumulated shall be removed before it reaches one-half of the above ground height of the perimeter control. See section 2.8 for installation sequencing.

### 4.2.3 Rock Check Dam

Defined channels subject to concentrated flows in larger quantities and higher velocities may be protected with rock check dams. The dams impound sediment-laden water to allow settlement of suspended soils before filtering through the stone. Dams shall be placed along the water course at intervals as follows: Check dams shall be placed as shown on the Construction Drawings and are composed of components of crushed stone and/or riprap. A construction detail has been provided on the erosion and sediment control plans. All sediment accumulated shall be removed before it reaches one-half of the above ground height of the perimeter control. See section 2.8 for installation sequencing

### 4.3 Sediment Track-Out

The construction site roads shall be maintained in good construction condition to minimize off-site vehicle tracking of sediments. A construction entrance tire mud cleaning structure and laydown area shall be constructed of crushed stone to remove mud from the tires of construction vehicles. The rock shall be replaced as necessary to assure its effectiveness. Additionally, dump trucks hauling material to or from the construction site shall be covered in accordance with state and local regulations. The paved streets adjacent to the site will be inspected daily and swept as necessary.

#### 4.3.1 Specific Track-Out Controls

All access points from the public street into the construction site shall include a construction exit composed of coarse stone to the dimensions shown on the Construction Drawings. The rough texture of the stone helps to remove clumps of soil adhering to construction vehicle tires through the action of vibration and jarring over the rough surface and the friction of the stone matrix against soils attached to the vehicles tires. A construction detail has been provided on the erosion and sediment control plans.

If the majority of mud or dirt is not removed from existing traffic, hose bibbs shall be provided at construction traffic exit points and vehicle tires shall be washed before exiting on public roads. Silt from this washing operation shall be intercepted and trapped before wash water is allowed to be discharged offsite.

The schedule for the Installation of this BMP is outlined in section 2.8 of this SWPPP

#### 4.3.2 Maintenance Requirements

Where sediment has been tracked-out from your site onto the surface of off-site streets, other paved areas, and sidewalks, the Operator must remove the deposited sediment by the end of the same work day in which the track-out occurs or by the end of the next work day if track-out occurs on a non-work day. The Operator must remove the track-out by sweeping, shoveling, or vacuuming these surfaces, or by using other similarly effective means of sediment removal. The Operator is prohibited from hosing or sweeping tracked-out sediment into any stormwater conveyance (unless it is connected to a sediment basin, sediment trap, or similarly effective control), storm drain inlet, or surface water.”

### 4.4 Stockpiled Sediment or Soil

The Operator must locate stock pile areas per the erosion control plans and outside any established natural buffers. Temporary perimeter sediment barriers are to be installed around the limits of the stockpile area. Stockpiles of earthen materials shall be stored out of storm water conveyance areas and in a manner that prevents erosion and the transport of sediments. Silt fences shall be employed when required, as described in this plan. A construction detail has been provided on the erosion and sediment control plans.

### 4.5 Minimize Dust

Fine water sprays shall be used to control *dust onsite shall by spraying on dry areas of the site. The use of oils and other petroleum based or toxic liquids for dust suppression is prohibited.* Chemical dust suppressants shall not be used. Wind screening may also be implemented if deemed beneficial by the Operator or where dust conveyance may concentrate and discharge offsite.

Dust control shall be implemented on a routine basis as deemed necessary by site conditions and the Operator. Water shall be applied at a rate necessary to control the dust and as not to develop saturated, muddy or puddle conditions onsite.



#### **4.6 Minimize the Disturbance of Steep Slopes**

Earthwork procedures shall be timed, and shall progress, in a manner that will minimize the exposure of disturbed surfaces to storm water runoff. Excavation and filling sequences shall typically proceed down slope while maintaining an earth dike at the toe of the slope. Tree felling, stumping, grubbing, stripping and other construction activities shall be performed so as to minimize disturbances and to not concentrate runoff (i.e., up or down slope, not cross slope) into flows capable of soil erosion. Stabilization procedures shall be undertaken in accordance with this plan and the requirements of the General Permit. Grubbing during wet seasons should be avoided.

Minimized disturbance to steep slopes will be achieved by phasing disturbances in areas where appropriate, installation of retaining walls (where proposed) to limit ground disturbances and using stabilization practices designed to be used on steep grades such as implementing erosion control matting (geotextiles) and temporary mulching.

Geotextiles are porous fabrics known in the construction industry as filter fabrics, road rugs, synthetic fabrics, construction fabrics, or simply fabrics. Geotextiles can be manufactured from synthetic or natural materials. Geotextiles are used for filtration, reinforcement, material separation, matting, and drainage applications and erosion control. For sediment and erosion control applications, they are most commonly used as matting to stabilize flow in channels and swales on recently planted slopes and as separators to prevent the migration of sediments into other layers such as soil from beneath rip rap. Installation and maintenance shall be per the manufacturer's recommendations and requirements.

Mulching refers to the placement of material, including but not limited to grass, wood chips, straw, and gravel, on the soil surface to cover and hold in place disturbed soils. This practice is often complementary to seeding and planting practices and provides temporary stabilization until permanent vegetation becomes established.

Install mulch in a 3-5 inch layer over exposed surfaces and monitor regularly and inspect for rills. Fill rill with new mulch. Continue to replenish mulch on a regular basis or until such time as the slope has become permanently stabilized.

#### **4.7 Topsoil**

Topsoil which must be excavated for site development shall be separated from the remaining soil and stockpiled on-site (if practicable) for use during site landscaping. The stockpiled topsoil will be surrounded by silt fence and seeded or covered to prevent the mobilization of sediment. A construction detail is included on the erosion and sediment control plans.

#### **4.8 Soil Compaction**

In areas of the site where final vegetative stabilization will occur or where infiltration practices will be installed, the Operator must restrict/limit vehicle/equipment use within those locations to only the activities necessary for site development in order to avoid soil compaction. The Operator shall utilize areas of proposed compacted/impermeable surfaces to the greatest extent practical for vehicle/equipment maneuvering. In the locations of proposed infiltration basins, a rough grade shall be established to one foot above proposed finished grade until the site is stabilized and at such time, final excavation may occur to proposed finished grades.

The Operator must implement soil conditioning techniques prior to seeding or planting areas of exposed soils that have been compacted. Any technique used shall be for the support of vegetative growth and installation.

#### **4.9 Storm Drain Inlets Protection**

Curb and grated inlets are protected from the intrusion of silt and sediment through a variety of measures as shown on the Construction Drawings. The primary mechanism is to place controls in the path of flow sufficient to slow sediment-laden water and to allow settlement of suspended soils before discharging into the storm sewer. Controls typically provide a secondary benefit by means of filtration. Grated inlets typically include a sturdy frame wrapped in silt fence or crushed stone-lined perimeter to slow the flow of water. Curb inlets typically include crushed stone barriers held in place with silt fence material or geotextile fabric. A construction detail is provided on the erosion and sediment control plans.

The Operator must clean, or remove and replace, the protection measures as sediment accumulates, the filter becomes clogged, and/or performance is compromised. Where there is evidence of sediment accumulation adjacent to the inlet protection measure, you must remove the deposited sediment by the end of the same work day in which it is found or by the end of the following work day if removal by the same work day is not feasible.

#### **4.10 Constructed Stormwater Conveyance Channels**

Stormwater conveyance channels are proposed to avoid unstabilized areas on the site and to reduce erosion. This will be accomplished through the installation of diversion dikes/swales as disused in section 4.2.2. Additionally, check dams will be installed within these diversion dikes/swales to minimize erosion of the channels and their embankments, outlets, adjacent streambanks, slopes, and downstream waters during discharge conditions by dissipation of the stormwater runoff to a non-erosive flow velocity. The locations and construction details are provided in the erosion and sediment control plans.

#### **4.11 Sediment Basins**

Temporary sediment basins are depressions constructed downslope of construction activity and located such that storm water runoff from upland areas of less than 100 acres are diverted through the basin. Sediment basins shall be constructed as directed by the Storm Water Pollution Prevention Plan and shall be constructed as part of the initial best management practices whenever practical. The Operator shall provide a temporary settling basin storage volume of 3600 cubic feet per one acre drained. Proposed locations are shown on the sediment and erosion control plans. The Operator is responsible for adjusting location, size and stormwater diversion to the proposed temporary settling basins based upon project phasing and earth disturbance operations. An overflow pipe is incorporated at the outlet to discharge flow from the basin. Sediment basins shall be phased with the earthwork activity where practical. The basin shall be kept in effective operating condition and removed of accumulated sediment to maintain at least ½ of the design capacity of the sediment basin at all times.

#### **4.12 Chemical Treatment**

The use of chemical treatments is not proposed at this time, however are not forbidden. Should the Operator choose to use polymers, flocculants, or other treatment chemicals at the site, the operator must update the SWPPP to include the following

- a. A listing of all soil types that are expected to be exposed during construction and that will be discharged to locations where chemicals will be applied. Also include a listing of soil types

expected to be found in fill material to be used in these same areas, to the extent you have this information prior to construction.

- b. A listing of all treatment chemicals to be used at the site, and why the selection of these chemicals is suited to the soil characteristics of your site;
- c. If you have been authorized by your applicable EPA Regional Office to use cationic treatment chemicals, include the specific controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will not lead to a violation of water quality standards;
- d. The dosage of all treatment chemicals you will use at the site or the methodology you will use to determine dosage;
- e. Information from any applicable Material Safety Data Sheets (MSDS);
- f. Schematic drawings of any chemically-enhanced stormwater controls or chemical treatment systems to be used for application of the treatment chemicals;
- g. A description of how chemicals will be stored consistent the general permit;
- h. References to applicable state or local requirements affecting the use of treatment chemicals, and copies of applicable manufacturer's specifications regarding the use of your specific treatment chemicals and/or chemical treatment systems; and
- i. A description of the training that personnel who handle and apply chemicals have received prior to permit coverage or will receive prior to use of the treatment chemicals at your site.

#### **4.13 Dewatering Practices**

The Operator is prohibited from discharging ground water or accumulated stormwater that is removed from excavations, trenches, foundations, vaults, or other similar points of accumulation, unless such waters are first effectively managed by appropriate controls. Uncontaminated, non-turbid dewatering water can be discharged without being routed to a control.

The following discharge requirements for dewatering activities must be maintained:

- Do not discharge visible floating solids or foam;
- Use an oil-water separator or suitable filtration device (such as a cartridge filter) that is designed to remove oil, grease, or other products if dewatering water is found to contain these materials;
- To the extent feasible, utilize vegetated, upland areas of the site to infiltrate dewatering water before discharge. In no case will surface waters be considered part of the treatment area;
- At all points where dewatering water is discharged, comply with the velocity dissipation requirements of Part 2.1.3.1 of the General Permit;
- With backwash water, either haul it away for disposal or return it to the beginning of the treatment process;
- Replace and clean the filter media used in dewatering devices when the pressure differential equals or exceeds the manufacturer's specifications.

If groundwater is encountered during the construction sequencing as described in Section 2.8 of this SWPPP, lowering of the water table will be required through localized perimeter point well dewatering. The Operator is responsible for all means and methods for any and all dewatering practices.

#### 4.14 Other Stormwater Controls

In addition to construction related stormwater erosion controls, post development stormwater controls are proposed. The project will result in a substantial decrease in impervious area and a corresponding increase in groundwater recharge. Detention/retention facilities are not required or proposed. Runoff from proposed paved surfaces will be collected in a storm sewer system and discharged to a proprietary water quality unit for water quality treatment.

A post construction Operation and Maintenance Plan has been developed and will be implemented by the property owner/manager post construction. Additionally, a long-term pollution prevention plan was developed and will be executed by same. The proposed stormwater improvements will establish a comprehensive mechanism for long term protection against sediment and pollutants associated with stormwater discharges.

#### 4.15 Site Stabilization

Site Stabilization Practices:

☒ *Vegetative*

☒ *Temporary*

☒ *Non-Vegetative*

☒ *Permanent*

A fundamental principal for preventing erosion and controlling sedimentation is to minimize the extent of land disturbance. For areas where disturbances cannot be avoided, rapid stabilization of the surface is the most effective method of controlling erosion. Areas that are disturbed during construction activity must be stabilized as soon as practicable. A land surface that is stabilized resists the erosive action of storm water runoff.

For the purposes of this SWPPP, “exposed portions of your site” means areas of exposed soil that are required to be stabilized. Note that EPA does not expect that temporary or permanent stabilization measures to be applied to areas that are intended to be left unvegetated or unstabilized following construction (e.g., dirt access roads, utility pole pads, areas being used for storage of vehicles, equipment, or materials).

The General Permit also requires that records be retained as part of the SWPPP. The records should include the dates of major grading activities, cessation and initiation of construction activities, and initiation of stabilization measures. A draft record and future completed records shall be maintained. It is recommended that the Operators utilize Grading/Stabilization Activities log in Appendix C of the SWPPP to document compliance with the stabilization requirements in of the CGP.

##### 4.15.1 Measures of the Stabilization

The Operator must initiate soil stabilization measures immediately whenever earth-disturbing activities have permanently or temporarily ceased on any portion of the site.

Below are descriptions of stabilization measures that will be used during project construction. To be considered adequately stabilized, you must meet the criteria below depending on the type of cover you are using, either vegetative or non-vegetative.

- **Temporary Seeding** – Within 7 days after construction activity ceases on any particular area, all disturbed ground where there will not be construction for longer than 7 days must be seeded with fast-germinating temporary seed and protected with mulch.
- **Permanent Seeding** – All areas at final grade must be seeded within 7 days after completion of the major construction activity. Except for small level spots, seeded areas should generally be protected

with mulch.

- **Permanent Plantings** - At the completion of the Project, the contractor shall install and adequately establish all plantings as required.
- **Mulching** - Mulching refers to the placement of material, including but not limited to grass, wood chips, straw, and gravel, on the soil surface to cover and hold in place disturbed soils. This practice is often complementary to seeding practices.
- **Geotextiles** - Geotextiles are porous fabrics known in the construction industry as filter fabrics, road rugs, synthetic fabrics, construction fabrics, or simply fabrics. Geotextiles can be manufactured from synthetic or natural materials. Geotextiles are used for filtration, reinforcement, material separation, mattings, and drainage applications and erosion control. For sediment and erosion control applications, they are most commonly used as mattings to stabilize flow in channels and swales and on recently planted slopes, and as separators to prevent the migration of sediments into other layers such as soil from beneath rip rap.
- **Protection of Trees and Mature Vegetation** - Natural vegetation shall be preserved whenever possible, but especially on steep slopes, near perennial and intermittent watercourses or swales, and on sites in wooded areas. Preserving natural and mature vegetation can save money, beautifies areas, provides buffer and habitat and reduces soil erosion. Erosion and Sediment Control Barriers shall be used to prevent equipment from damaging areas designated for preservation. Special care should be taken with mature trees. Barriers should be offset from trees to protect roots.

## **SECTION 5: POLLUTION PREVENTION STANDARDS**

### **5.1 Potential Sources of Pollution**

The following is a list of Pollutant Generating Activities that are anticipated onsite. The Operator is required to comply with the requirements outlined in the Pollution Prevention Standards Section of this SWPPP if any of the following activities at the site or at any construction support activity area is proposed.

- Fueling and maintenance of equipment or vehicles;
- Washing of equipment and vehicles;
- Storage, handling, and disposal of construction materials, products, and wastes;
- Washing of applicators and containers used for paint, concrete, or other materials;
- Sediment collection/discharge
- Fertilization

The location of these proposed activities are shown on the erosion and sediment control plans. If not shown, the Operator is required to document and update the SWPPP to show all locations of pollution generating activities.

#### ***5.1.1 General Maintenance Requirements***

The Operator must ensure that all pollution prevention controls that are installed remain in effective operating condition and are protected from activities that would reduce their effectiveness. The Operator must inspect all pollutant-generating activities and pollution prevention controls in accordance with the inspection frequency requirements to avoid situations that may result in leaks, spills, and other releases of pollutants in stormwater discharges to receiving waters and must document the findings. If it is found that controls need to be replaced, repaired, or maintained, the Operator must make the necessary repairs or modifications in accordance with the following:

Initiate work to fix the problem immediately after discovering the problem and complete such work by the close of the next work day, if the problem does not require significant repair or replacement, or if the problem can be corrected through routine maintenance.

When installation of a new pollution prevention control or a significant repair is needed, the Operator must install the new or modified control and make it operational, or complete the repair, by no later than 7 calendar days from the time of discovery. If it is infeasible to complete the installation or repair within 7 calendar days, the Operator must document their records as to why it is infeasible to complete the installation or repair within the 7-calendar day timeframe and document the schedule for installing the stormwater control(s) and making it operational as soon as practicable after the 7-calendar day timeframe.

Where these actions result in changes to any of the pollution prevention controls or procedures documented in this SWPPP, the Operator must modify the SWPPP accordingly within 7 calendar days of completing this work.

### **5.2 Spill Prevention and Response**

Prior to the commencement of any construction activity, the operator shall develop procedures for expeditiously stopping, containing, and cleaning up spills, leaks, and other releases. Identify the name or title of the employee(s) responsible for detection and response of spills or leaks.

### **5.2.1 Emergency Spill Notification**

The Operator is prohibited from discharging toxic or hazardous substances from a spill or other releases. Where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302 occurs during a 24-hour period, the Operator must notify the National Response Center (NRC) at (800) 424-8802 or, in the Washington, DC metropolitan area, call (202) 267-2675 in accordance with the requirements of 40 CFR Part 110, 40 CFR Part 117, and 40 CFR Part 302 as soon as the operator has knowledge of the discharge. The Operator must also, within 7 calendar days of knowledge of the release, provide a description of the release, the circumstances leading to the release, and the date of the release. State, tribal, or local requirements may necessitate additional reporting of spills or discharges to local emergency response, public health, or drinking water supply agencies

### **5.2.2 Reporting**

In the event of a discharge of oil or another hazardous material, rapid notification of responsible facility personnel, oil spill and/or hazardous material removal organizations and federal, state, and local regulatory agencies can be essential to protecting the environment in the immediate vicinity.

As required by the conditions of the General Permit, all spills shall be recorded and documented within the SWPPP. Detailed reports including the date and time of the incident, location, volume and contents of the spill, weather conditions, response procedures, parties notified, recommended revisions to the proposed storm water pollution prevention controls, operating procedures, and/or equipment needed to prevent recurrence shall be maintained. Reports on reportable quantity spills are to be maintained in Appendix E of this SWPP Plan.

Because construction activities may handle many hazardous substances over the course of construction, spills of these substances in amounts that equal or exceed RQ levels are a possibility. The Emergency Response Plan lists the RQ levels of the substances expected to be on the construction site. Any discharge of a substance above an RQ shall be reported to the Construction Manager.

## **5.3 Fueling and Maintenance of Equipment or Vehicles**

If the Operator conducts fueling and/or maintenance of equipment or vehicles at the site, the Operator must provide an effective means of eliminating the discharge of spilled or leaked chemicals, including fuel, from the area where these activities will take place. To comply with the prohibited discharges the Operator must:

- If applicable, comply with the Spill Prevention Control and Countermeasures (SPCC) requirements in 40 CFR 112 and Section 311 of the Clean Waters Act CWA;
- Ensure adequate supplies are available at all times to handle spills, leaks, and disposal of used liquids;
- Use drip pans and absorbents under or around leaky vehicles;
- Dispose of or recycle oil and oily wastes in accordance with other federal, state, tribal, or local requirements;
- Clean up spills or contaminated surfaces immediately, using dry clean up measures where possible, and eliminate the source of the spill to prevent a discharge or a furtherance of an ongoing discharge; and
- Do not clean surfaces by hosing the area down.

## 5.4 Washing of Equipment and Vehicles

The Operator must provide effective means of minimizing the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other types of washing. The Operator must, for storage of soaps, detergents, or solvents, provide either (1) cover (*e.g., plastic sheeting or temporary roofs*) to prevent these detergents from coming into contact with rainwater, or (2) a similarly effective means designed to prevent the discharge of pollutants from these areas.

The Operator shall conduct all equipment and vehicle washing activities away from surface waters and stormwater inlets or conveyances and direct wash waters to a sediment basin or sediment trap, using filtration devices, such as filter bags or sand filters, or using other similarly effective controls.

## 5.5 Storage, Handling, and Disposal of Construction Products, Materials, and Wastes

### 5.5.1 Building Products

The Operator must minimize the exposure to stormwater of any of the products, materials, or wastes specified below that are present at the site by complying with the following requirements.

*Note: These requirements do not apply to those products, materials, or wastes that are not a source of stormwater contamination or that are designed to be exposed to stormwater.*

The Operator must:

For building products: In storage areas, provide either (1) cover (*e.g., plastic sheeting, storage trailers or temporary roofs*) to prevent these products from coming into contact with rainwater, or (2) a similarly effective means designed to prevent the discharge of pollutants from these areas.

Solid Waste Storage and Disposal: All waste materials will be collected and stored in a securely lidded metal dumpster rented from a local waste management company which must be a solid waste management company licensed to do business by the state and the city. The dumpster will comply with all local and state solid waste management regulations.

### 5.5.2 Pesticides, Herbicides, Insecticides, Fertilizers, and Landscape Materials

In storage areas, the Operator must provide either (1) cover (*e.g., plastic sheeting or temporary roofs*) to prevent these chemicals from coming into contact with rainwater, or (2) a similarly effective means designed to prevent the discharge of pollutants from these areas; and comply with all application and disposal requirements included on the registered pesticide, herbicide, insecticide, and fertilizer label.

### 5.5.3 Diesel Fuel, Oil, Hydraulic Fluids, Other Petroleum Products, and Other Chemicals

The Operator must store chemicals in water-tight containers, and provide either (1) cover (*e.g., plastic sheeting or temporary roofs*) to prevent these containers from coming into contact with rainwater, or (2) a similarly effective means designed to prevent the discharge of pollutants from these areas (*e.g., spill kits*), or provide secondary containment (*e.g., spill berms, decks, spill containment pallets*); and (3) clean up spills immediately, using dry clean-up methods where possible, and dispose of used materials properly. Do not clean surfaces or spills by hosing the area down. Eliminate the source of the spill to prevent a discharge or a continuation of an ongoing discharge.



#### **5.5.4 Hazardous or Toxic Waste**

The Operator must:

- Separate hazardous or toxic waste from construction and domestic waste;
- Store waste in sealed containers, which are constructed of suitable materials to prevent leakage and corrosion, and which are labeled in accordance with applicable Resource Conservation and Recovery Act (RCRA) requirements and all other applicable federal, state, tribal, or local requirements;
- Store all containers that will be stored outside within appropriately sized secondary containment (*e.g., spill berms, decks, spill containment pallets*) to prevent spills from being discharged, or provide a similarly effective means designed to prevent the discharge of pollutants from these areas (*e.g., storing chemicals in covered area or having a spill kit available on site*);
- Dispose of hazardous or toxic waste in accordance with the manufacturer's recommended method of disposal and in compliance with federal, state, tribal, and local requirements; and
- Clean up spills immediately, using dry clean-up methods where possible, and dispose of used materials properly. Do not clean surfaces or spills by hosing the area down. Eliminate the source of the spill to prevent a discharge or a furtherance of an ongoing discharge.

All hazardous waste materials will be disposed of in the manner specified by local, state and/or federal regulations and by the manufacturer of such products. Site personnel will be instructed in these practices by the job site superintendent, who will also be responsible for seeing that these practices are followed. Material Safety Data Sheets (MSDS's) for each substance with hazardous properties that is used on the job site shall be obtained and used for the proper management of potential wastes that may result from these products. An MSDS will be posted in the immediate area where such product is stored and/or used and another copy of the each MSDS shall be maintained in the SWPPP file at the job site construction trailer office. Each employee who must handle a substance with hazardous properties will be instructed on the use of MSDS sheets and the specific information in the applicable MSDS for the product he/she is using, particularly regarding spill control techniques.

The Operator shall train all personnel in the proper cleanup and handling of spilled materials. No spilled hazardous materials or hazardous wastes will be allowed to come in contact with storm water discharge. If such contact occurs, the storm water discharge will be contained onsite until appropriate measures in compliance with state and federal regulations are taken to dispose of such contaminated storm water. It shall be responsibility of the job site superintendent to properly train all personnel.

#### **5.5.5 Construction and Domestic Waste**

Provide waste containers (*e.g., dumpster or trash receptacle*) of sufficient size and number to contain construction and domestic wastes. In addition, you must: (1) On work days, clean up and dispose of waste in designated waste containers; and (2) Clean up immediately if containers overflow.

##### **Solid Waste Storage and Disposal**

All waste materials will be collected and stored in a securely covered metal dumpster rented from a local waste management company which must be a solid waste management company licensed to do business by the state and the city. The dumpster will comply with all local and state solid waste management regulations.

#### **5.5.6 Sanitary Waste**

Position portable toilets so that they are secure and will not be tipped or knocked over. All sanitary waste will be collected from the portable units by a licensed sanitary waste management contractor, as needed or

more frequently as required by local regulations.

## **5.6 Washing of Applicators and Containers used for Paint, Concrete or Other Materials**

The operator must provide an effective means of eliminating the discharge of water from the washout and cleanout of stucco, paint, concrete, form release oils, curing compounds, and other construction materials. To comply with this requirement, Operator must:

- Direct all wash water into a leak-proof container or leak-proof pit. The container or pit must be designed so that no overflows can occur due to inadequate sizing or precipitation;
- Do not dump liquid wastes in storm sewers;
- Dispose of liquid wastes in accordance with this SWPPP;
- Remove and dispose of hardened concrete waste consistent with your handling of other construction wastes in this SWPPP;
- Locate any washout or cleanout activities as far away as possible from surface waters and stormwater inlets or conveyances, and, to the extent practicable, designate areas to be used for these activities and conduct such activities only in these areas.

## **5.7 Fertilizers**

The operator is required to minimize discharges of fertilizers containing nitrogen or phosphorus. To meet this requirement, you must comply with the following requirements:

- Apply at a rate and in amounts consistent with manufacturer's specifications;
- Apply at the appropriate time of year for your location, and preferably timed to coincide as closely as possible to the period of maximum vegetation uptake and growth;
- Avoid applying before heavy rains that could cause excess nutrients to be discharged;
- Never apply to frozen ground;
- Never apply to stormwater conveyance channels with flowing water; and
- Follow all other federal, state, tribal, and local requirements regarding fertilizer application.

## **5.8 Other Pollution Prevention Practices**

### ***5.8.1. Contaminated Soils***

Any contaminated soils (resulting from spills of materials with hazardous properties) which may result from construction activities will be contained and cleaned up immediately in accordance with the procedures given in accordance with applicable state and federal regulations. The job site superintendent will be responsible for seeing that these procedures are followed.

### ***5.8.2. Snow Removal Plan***

Snow removal practices will consist of several management techniques to minimize major runoff and pollutant loading impacts. First, de-icing compounds such as calcium chloride or calcium magnesium acetate should be used. If stored, the de-icing compounds should be stored on enclosed impervious pads. Low-salt areas will be designated on the portions of the road adjacent to streams and wetlands. All snow removed should be placed in pervious areas where it can slowly infiltrate. In addition, street cleaning will occur biannually.

## SECTION 6: INSPECTION AND CORRECTIVE ACTION

### 6.1 Inspection Personnel and Procedures

#### Personnel Responsible for Inspections

Role or Responsibility: TBD  
Name:  
Position:  
Telephone:  
Email:

The Operator shall obtain copies of any and all local and state regulations, which are applicable to storm water management and pollution minimization at this job site, and will comply fully with such regulations. The contractor will submit written evidence of such compliance if requested by the Owner or any agent of a regulatory body. The Contractor will comply will all conditions of the NPDES General Permit for Construction Activities, including the conditions related to maintaining the SWPP Plan and evidence of compliance with the SWPP Plan at the job site and allowing regulatory personnel access to the job site and to records in order to determine compliance.

The person(s) inspecting the site shall be the Operator or a member of their staff or a third party hired to conduct such inspections. The person who conducts inspections shall be a “qualified person.”

Note: A “qualified person” is a person knowledgeable in the principles and practice of erosion and sediment controls and pollution prevention, who possesses the skills to assess conditions at the construction site that could impact stormwater quality, and the skills to assess the effectiveness of any stormwater controls selected and installed to meet the requirements of this permit.

#### **6.1.1 Inspection Schedule**

All control measures will be inspected at least once *every* 7 calendar days.

#### **6.1.2 Inspection Areas**

The following areas require inspection:

- All areas that have been cleared, graded, or excavated and that have not yet completed stabilization;
- All stormwater controls (including pollution prevention measures) installed at the site;
- Material, waste, borrow, or equipment storage and maintenance areas that are covered by this SWPPP;
- All areas where stormwater typically flows within the site, including drainage ways designed to divert, convey, and/or treat stormwater;
- All points of discharge from the site; and
- All locations where stabilization measures have been implemented.

The Operator is not required to inspect areas that, at the time of the inspection, are considered unsafe to your inspection personnel.

### 6.1.3 Inspection Requirements

The following are requirement for inspections:

- Check whether all erosion and sediment controls and pollution prevention controls are installed, appear to be operational, and are working as intended to minimize pollutant discharges;
- Determine if any controls need to be replaced, repaired, or maintained;
- Check for the presence of conditions that could lead to spills, leaks, or other accumulations of pollutants on the site;
- Identify any locations where new or modified stormwater controls are necessary to meet the requirements of the SWPPP;
- At points of discharge and, if applicable, the banks of any surface waters flowing within your property boundaries or immediately adjacent to your property, check for signs of visible erosion and sedimentation (*i.e., sediment deposits*) that have occurred and are attributable to site discharge; and
- Identify any and all incidents of noncompliance observed. If a discharge is occurring during your inspection, the Operator is required to:
  - a. Identify all points of the property from which there is a discharge;
  - b. Observe and document the visual quality of the discharge, and take note of the characteristics of the stormwater discharge, including color, odor, floating, settled, or suspended solids, foam, oil sheen, and other obvious indicators of stormwater pollutants; and
  - c. Document whether your stormwater controls are operating effectively, and describe any such controls that are clearly not operating as intended or are in need of maintenance.
- Based on the results of your inspection, initiate corrective action plan.

The following maintenance procedures are to be performed as noted.

- Litter, construction debris, and chemicals shall be prevented from exposure to storm water and from becoming a pollutant source. A daily walkover of the Project site to identify exposure of potential pollutants to storm water shall be performed.
- All measures will be maintained in good working order; if repairs are found to be necessary, they will be initiated within 24 hours of report.
- Built-up sediment shall be removed from silt fences when it has reached 1/3 of the aboveground height of the silt fence.
- Sediment shall be removed where accumulations reach one-half the aboveground height of any straw bale barriers.
- Silt fences will be inspected for depth of sediment, tears or sags in the fabric, and to see if the fabric is securely attached to the posts. Posts will also be inspected to ensure that they are firmly set in the ground.
- Temporary and permanent seeding shall be inspected weekly during its period of establishment for bare spots and areas of insufficient germination or growth. Remedial action shall be taken to establish a stabilized surface in these areas once identified.

- Straw bale dikes shall be replaced when the strings have broken. Two stakes shall be maintained in ground.
- Deteriorated silt fences shall be replaced as soon as the condition is discovered.
- Conveyance structures shall be maintained so as to operate in the design condition. Foreign debris, including leaves and lawn cuttings shall not be allowed to accumulate in diversion swales, water quality swales, sediment forebays, or detention basins.
- Fertilizer applications shall be applied strictly in accordance with manufacturer's instructions.
- Storm water detention basins and sediment forebays shall be maintained in working order and free of foreign debris throughout the construction period. Any sediment basins will be inspected for depth of sediment, and built up sediment will be removed when it reaches 50 percent of the design capacity or at the end of the job.
- Accumulations of sediment that escape to off-site areas must be removed at intervals to minimize offsite impacts. Sediment accumulations in public streets shall be removed as soon as possible and before any anticipated rain event. Vehicle tire mud cleaning devices shall be maintained to ensure their proper operation.
- Spare erosion and sediment control barrier material shall be stocked on site.

A site inspection report will be made after each inspection. A copy of the report form to be completed by the inspector is included in Appendix D.

#### ***6.1.4 Inspection Reports***

The Operator must complete inspection report within 24 hours of completing any site inspection. A sample inspection report is included in the SWPPP for use and consideration (see Appendix D). Each inspection report must include the following:

- a. The inspection date;
- b. Names and titles of personnel making the inspection;
- c. A summary of your inspection findings, covering at a minimum the observations made in accordance with the requirements for inspections as noted above.
- d. If you are inspecting your site at the frequency above or due to rainfall measuring 0.25 inches or greater. The applicable rain gauge or weather station readings that triggered the inspection must be included; and
- e. If you have determined that it is unsafe to inspect a portion of the site, describe the reason you found it to be unsafe and specify the locations that this condition applied to.

Each inspection report must be signed in accordance with Appendix I, Part I.11 of the General Permit.

The Operator is required to keep a current, copy of all inspection reports at the site or at an easily accessible location, so that it can be made available at the time of an onsite inspection or upon request by EPA. For purposes of this permit, your inspection reports may be kept electronically if the records are:

- a. In a format that can be read in a similar manner as a paper record;
- b. Legally dependable with no less evidentiary value than their paper equivalent; and

- c. Accessible to the inspector during an inspection to the same extent as a paper copy stored at the site would be, if the records were stored in paper form.

All inspection reports completed for this part must be retained for at least 3 years from the date that your permit coverage expires or is terminated.

### **6.1.5 Inspection By EPA**

You must allow EPA, or an authorized representative of the EPA, to conduct the following activities at reasonable times:

- Enter onto areas of your site, including any construction support activity areas covered by this permit (see Part 1.3.c), and onto locations where records are kept under the conditions of this permit;
- Access and copy any records that must be kept under the conditions of this permit;
- Inspect your construction site, including any construction support activity areas covered by this permit and any stormwater controls installed and maintained at the site; and
- Sample or monitor for the purpose of ensuring compliance.

## **6.2 Corrective Action**

Personnel Responsible for Corrective Actions:

Company Name: Contractor, TBD  
Contact Name:  
Street:  
City, State, Zip Code:  
Telephone:  
Fax:  
Email:

Any deficiencies discovered during an inspection must be addressed by the installation of new or modified erosion controls to make it operational, or complete the repair, by no later than 7 calendar days from the time of discovery. If it is infeasible to complete the installation or repair within 7 calendar days, you must document in your records why it is infeasible to complete the installation or repair within the 7 calendar day timeframe and document your schedule for installing the stormwater.

Where your corrective actions result in changes to any of the stormwater controls or procedures documented in your SWPPP, the Operator must modify the SWPPP accordingly within 7 calendar days of completing corrective action work.

### **6.2.1 Corrective Action Report**

For each corrective action taken, the Operator must complete a corrective action report. Note that these reports must be maintained in your records but do not need to be provided to EPA except upon request. The Corrective Action Report shall be prepared in accordance with the following:

- Within 24 hours of identifying the correction action condition, document the specific condition and the date and time it was identified;
- Within 24 hours of completing the corrective action condition, document the specific condition and the date and time it was identified;

- Each corrective action report must be signed and certified in accordance with Appendix I, Part I.11 of the General Permit
- A copy of all corrective action reports must be kept at the site or an easily accessible location so that it can be made available at the time of an on-site inspection or upon request by the EPA;
- All corrective action reports completed for this part must be retained for at least 3 years from the date that your permit coverage expires or is terminated.

### 6.3 Delegation of Authority

Duly Authorized Representative(s) or Position(s):

Owner/Developer Name:	1165R MASS MA PROPERTY LLC c/o Spaulding & Slye Investments
Contact Name:	Daniel St. Clair
Street:	One Post Office Square
City, State, Zip Code:	Boston, MA 02109
Telephone:	(617) 531-4244
Fax:	(312) 416-5243
Email:	Daniel.Stclair@ssinvests.com

**SECTION 7: TRAINING**

Personnel selected for the inspection and maintenance responsibilities will receive training from the job site superintendent and/or the operator. They will be trained in all the inspection and maintenance practices necessary for keeping the erosion and sediment controls that are used onsite in good working order. It is recommended to utilize the sample training log for recording keeping contained in Appendix H.

Prior to the commencement of earth-disturbing activities or pollutant-generating activities, whichever occurs first, the Operator must train and ensure that the following personnel understand the requirements of this SWPPP and their specific responsibilities with respect to those requirements:

- Personnel who are responsible for the design, installation, maintenance, and/or repair of stormwater controls (including pollution prevention measures);
- Personnel responsible for the application and storage of treatment chemicals (if applicable);
- Personnel who are responsible for conducting inspections as required; and
- Personnel who are responsible for taking corrective actions

The Operator is responsible for ensuring that all activities on the site comply with the requirements of this SWPPP. The Operator is not required to provide or document formal training for subcontractors or other outside service providers, but must ensure that such personnel understands any requirements of the SWPPP that may be affected by the work they are subcontracted to perform. At a minimum, personnel must be trained to understand the following if related to the scope of their job duties (e.g., only personnel responsible for conducting inspections need to understand how to conduct inspections):

- The permit deadlines associated with installation, maintenance, and removal of stormwater controls and with stabilization;
- The location of all stormwater controls on the site required by this permit, and how they are to be maintained;
- The proper procedures to follow with respect to the permit’s pollution prevention requirements; and
- When and how to conduct inspections, record applicable findings, and take corrective actions.

**Table 7-1: Summary Table for Completion of Training**

Name	Date Training Completed



## SECTION 8: TERMINATION OF COVERAGE

Until coverage is terminated, all conditions of the general permit must be complied with. Coverage must be terminated within 30 days of one or more of the following conditions:

- Construction activities and if applicable, construction support activities have been completed and the following requirements are met:
  - a. For any areas that (1) were disturbed during construction, (2) are not covered over by permanent structures, and (3) over which you had control during the construction activities, you have met the requirements for final vegetative or non-vegetative stabilization in Part 2.2.14b of the General Permit;
  - b. You have removed and properly disposed of all construction materials, waste and waste handling devices, and have removed all equipment and vehicles that were used during construction, unless intended for long-term use following termination of permit coverage;
  - c. You have removed all stormwater controls that were installed and maintained during construction, except those that are intended for long-term use following your termination of permit coverage or those that are biodegradable; and
  - d. You have removed all potential pollutants and pollutant-generating activities associated with construction, unless needed for long-term use following your termination of permit coverage; or
- You have transferred control of all areas of the site for which you are responsible under this permit to another operator, and that operator has submitted an NOI and obtained coverage under this permit; or
- Coverage under an individual or alternative general NPDES permit has been obtained.

The Notice of Termination (NOT) must be submitted electronically at <https://www.epa.gov/npdes/stormwater-discharges-construction-activities#ereporting>

**SECTION 9: CERTIFICATION AND NOTIFICATION**

**Owner Certification:**

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information contained therein. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information contained is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is other than true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

Owner: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Contractor Certification:**

Contractor to provide certification on forms provided in Appendix G.

## **SWPPP APPENDICES**

Appendix A – NOI Form and EPA Authorization

Appendix B – Site Location Map

Appendix C – Grading and Stabilization Activities Log

Appendix D – Site Inspection Report

Appendix E – Reportable Quantity (RQ) Spill Form

Appendix F – SWPPP Amendment Log

Appendix G – Contractor Certifications

Appendix H – Training Log

Appendix I – Delegation of Authority Form

Appendix J – Endangered Species Documentation

Appendix K – Historic Preservation Documentation

Appendix L – Arlington Conservation Commission Order of Conditions

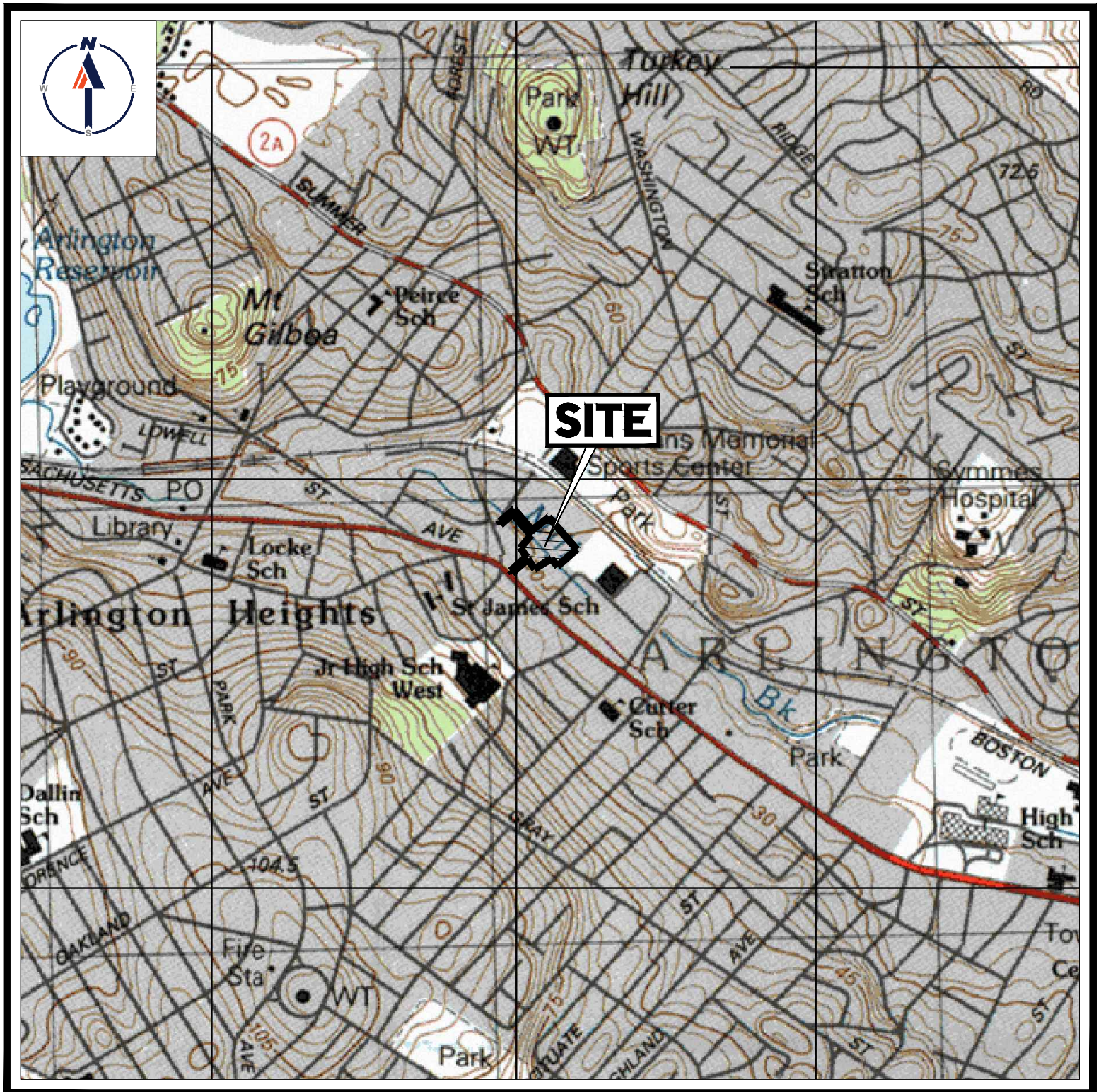
Appendix M – Copy of 2017 USEPA Construction General Permit

Appendix N – Site Maps (Bound Separately)

## **Appendix A – NOI Form and EPA Authorization Email**

## **Appendix B – Site Location Map**





## **USGS MAP**

SCALE: 1" = 1,000'

SOURCE: BOSTON NORTH MASSACHUSETTS USGS QUADRANGLE

## **Appendix C – Grading and Stabilization Activities Log**

## **GRADING AND STABILIZATION ACTIVITIES**

**NOTE:** The contractor is responsible for maintaining an accurate and complete log of construction activities, including, but not limited to, commencement of stabilization, major grading activities, timeframes when construction ceases on a portion of site (temporary or permanent) until the Notice of Termination (NOT) is filed.

## MAJOR STABILIZATION AND GRADING ACTIVITIES

[illegible]



## **Appendix D – Site Inspection Report**

## Site Inspection Report

General Information			
<b>Project Name</b>	1165R MASS MA Property LLC Residential Development		
<b>NPDES Tracking No.</b>		<b>Location</b>	
<b>Date of Inspection</b>		<b>Start/End Time</b>	
<b>Inspector's Name(s)</b>			
<b>Inspector's Title(s)</b>			
<b>Inspector's Contact Information</b>			
<b>Inspector's Qualifications</b>			
<b>Describe present phase of construction</b>			
<b>Type of Inspection:</b> <input type="checkbox"/> Regular <input type="checkbox"/> Pre-storm event <input type="checkbox"/> During storm event <input type="checkbox"/> Post-storm event			
Weather Information			
<b>Has there been a storm event since the last inspection?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <b>If yes, provide:</b> Storm Start Date & Time:                      Storm Duration (hrs):                      Approximate Amount of Precipitation (in):			
<b>Weather at time of this inspection?</b> <input type="checkbox"/> Clear <input type="checkbox"/> Cloudy <input type="checkbox"/> Rain <input type="checkbox"/> Sleet <input type="checkbox"/> Fog <input type="checkbox"/> Snowing <input type="checkbox"/> High Winds <input type="checkbox"/> Other:                                              Temperature:			
<b>Have any discharges occurred since the last inspection?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <b>If yes, describe:</b>			
<b>Are there any discharges at the time of inspection?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <b>If yes, describe:</b>			

### Site-specific BMPs

- Number the structural and non-structural BMPs identified in your SWPPP on your site map and list them below (add as many BMPs as necessary). Carry a copy of the numbered site map with you during your inspections. This list will ensure that you are inspecting all required BMPs at your site.
- Describe corrective actions initiated, date completed, and note the person that completed the work in the Corrective Action Log.

	BMP	BMP Installed?	BMP Maintenance Required?	Corrective Action Needed and Notes
1		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
2		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
3		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
4		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
5		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
6		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
8		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
9		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
10		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
11		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
12		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	

	BMP	BMP Installed?	BMP Maintenance Required?	Corrective Action Needed and Notes
13		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
14		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
15		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
16		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
17		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
18		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
19		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
20		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	

### Overall Site Issues

Below are some general site issues that should be assessed during inspections. Customize this list as needed for conditions at your site.

	BMP/activity	Implemented?	Maintenance Required?	Corrective Action Needed and Notes
1	Are all slopes and disturbed areas not actively being worked properly stabilized?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
2	Are natural resource areas (e.g., streams, wetlands, mature trees, etc.) protected with barriers or similar BMPs?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
3	Are perimeter controls and sediment barriers adequately installed (keyed into substrate) and maintained?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
4	Are discharge points and receiving waters free of any sediment deposits?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
5	Are storm drain inlets properly protected?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
6	Is the construction exit preventing sediment from being tracked into the street?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7	Is trash/litter from work areas collected and placed in covered dumpsters?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
8	Are washout facilities (e.g., paint, stucco, concrete) available, clearly marked, and maintained?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	

	BMP/activity	Implemented?	Maintenance Required?	Corrective Action Needed and Notes
9	Are vehicle and equipment fueling, cleaning, and maintenance areas free of spills, leaks, or any other deleterious material?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
10	Are materials that are potential stormwater contaminants stored inside or under cover?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
11	Are non-stormwater discharges (e.g., wash water, dewatering) properly controlled?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
12	(Other)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	

#### Non-Compliance

Describe any incidents of non-compliance not described above:

#### CERTIFICATION STATEMENT

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

**Print name and title:** \_\_\_\_\_

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## **Appendix E – Reportable Quantity (RQ) Spill Form**

**STORM WATER POLLUTION PREVENTION PLAN**  
**HAZARDOUS SUBSTANCE REPORTABLE QUANTITY RELEASE FORM**

The discharges of hazardous substances in storm water discharges from construction sites must be prevented or minimized in accordance with the SWPPP. Where a release containing a hazardous substance in an amount equal to or in excess of a Reportable Quantity (RQ) established under 40CFR and/or EPA's list of RQ's (whichever is more restrictive) occurs, the following steps must be taken:

1. All measures must be taken to contain and abate the spill and to prevent the discharge of the pollutant(s) to off-site locations, receiving waters, wetlands and/or resource areas.
2. Notice must be provided to the National Response Center (NRC) at 1-800-424-8802 in accordance with regulations referenced above as soon as site staff has knowledge of the discharge.
3. Contact the Project Manager, Owner or Environmental Consultant/LSP of Record immediately upon knowledge of release.
4. The SWPPP must be modified within seven (7) calendar days of knowledge of the discharge to provide a description of the release, the circumstances leading to the release, and the date of the release. The plans must identify measures to prevent the recurrence of such releases and to respond to such releases.

<b>Date of Spill</b>	<b>Material Spilled</b>	<b>Approximate Quantity of Spill (in gallons)</b>	<b>Agency(s) Notified</b>	<b>Date of Notification</b>	<b>SWPPP Revision Date</b>

Note: The Contractor is responsible for maintaining a list of current RQ's for all hazardous substances encountered, stored on-site or anticipated to be encountered.

## **Appendix F – SWPPP Amendment Log**

**SWPPP AMENDMENT LOG**

No.	Description of the Amendment	Date of Amendment	Amendment Prepared by [Insert Name(s) and Title]



## **Appendix G – Contractor Certifications**

**CONTRACTOR CERTIFICATION**

*1165R MASS MA PROPERTY LLC Residential Development  
1165R Massachusetts Avenue  
Town of Arlington  
Middlesex County, Massachusetts*

**Permit Authorization for:  
Storm Water Discharges Associated  
With Construction Activity Under NPDES  
NOI General Permit # MAR10 \_\_\_\_\_  
Submitted on \_\_\_\_\_, 2021**

Contractor responsible for the implementation of the SWPPP:

**Certification:**

*“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information contained therein. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information contained is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is other than true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”*

<hr/>	
Signature	Date
<hr/>	
Printed Name	Title
<hr/>	
Company Name	Business Telephone Number
<hr/>	
Business Address	City, State, Zip Code

## **Appendix H – Training Log**

**STORMWATER POLLUTION PREVENTION TRAINING LOG**

Project Name: 1165R MASS MA Property LLC Residential Development

Project Location: 1165R Massachusetts Avenue, Arlington, MA

Instructor's Name(s):

Instructor's Title(s):

Course Location: \_\_\_\_\_ Date: \_\_\_\_\_

Course Length (hours): \_\_\_\_\_

Stormwater Training Topic: *(check as appropriate)*

- |                                                               |                                                                |
|---------------------------------------------------------------|----------------------------------------------------------------|
| <input type="checkbox"/> <b>Sediment and Erosion Controls</b> | <input type="checkbox"/> <b>Emergency Procedures</b>           |
| <input type="checkbox"/> <b>Stabilization Controls</b>        | <input type="checkbox"/> <b>Inspections/Corrective Actions</b> |
| <input type="checkbox"/> <b>Pollution Prevention Measures</b> |                                                                |

Specific Training Objective: \_\_\_\_\_

\_\_\_\_\_

Attendee Roster: *(attach additional pages as necessary)*

No.	Name of Attendee	Company
1		
2		
3		
4		
5		
6		
7		
8		

## **Appendix I – Delegation of Authority Form**

**STORM WATER POLLUTION PREVENTION PLAN**  
**DELEGATION OF AUTHORITY**

*1165R MASS MA PROPERTY LLC Residential Development  
1165R Massachusetts Avenue  
Town of Arlington  
Middlesex County, Massachusetts*

**Permit Authorization for:**  
**Storm Water Discharges Associated**  
**With Construction Activity Under NPDES**  
**NOI General Permit # MAR10 \_\_\_\_\_**  
**Submitted on \_\_\_\_\_, 2021**

In accordance with the NPDES General Permit for Storm Water discharges from construction activities, Appendix I.11.2.3. Signatory requirements.

I hereby authorize \_\_\_\_\_ to sign on my behalf, all applicable reports and certifications as required under this permit as part of the Storm Water Pollution Prevention Plan.

*[Principal Officer of the General Contractor]*

---

Signature	Date
-----------	------

---

Printed Name	Title
--------------	-------

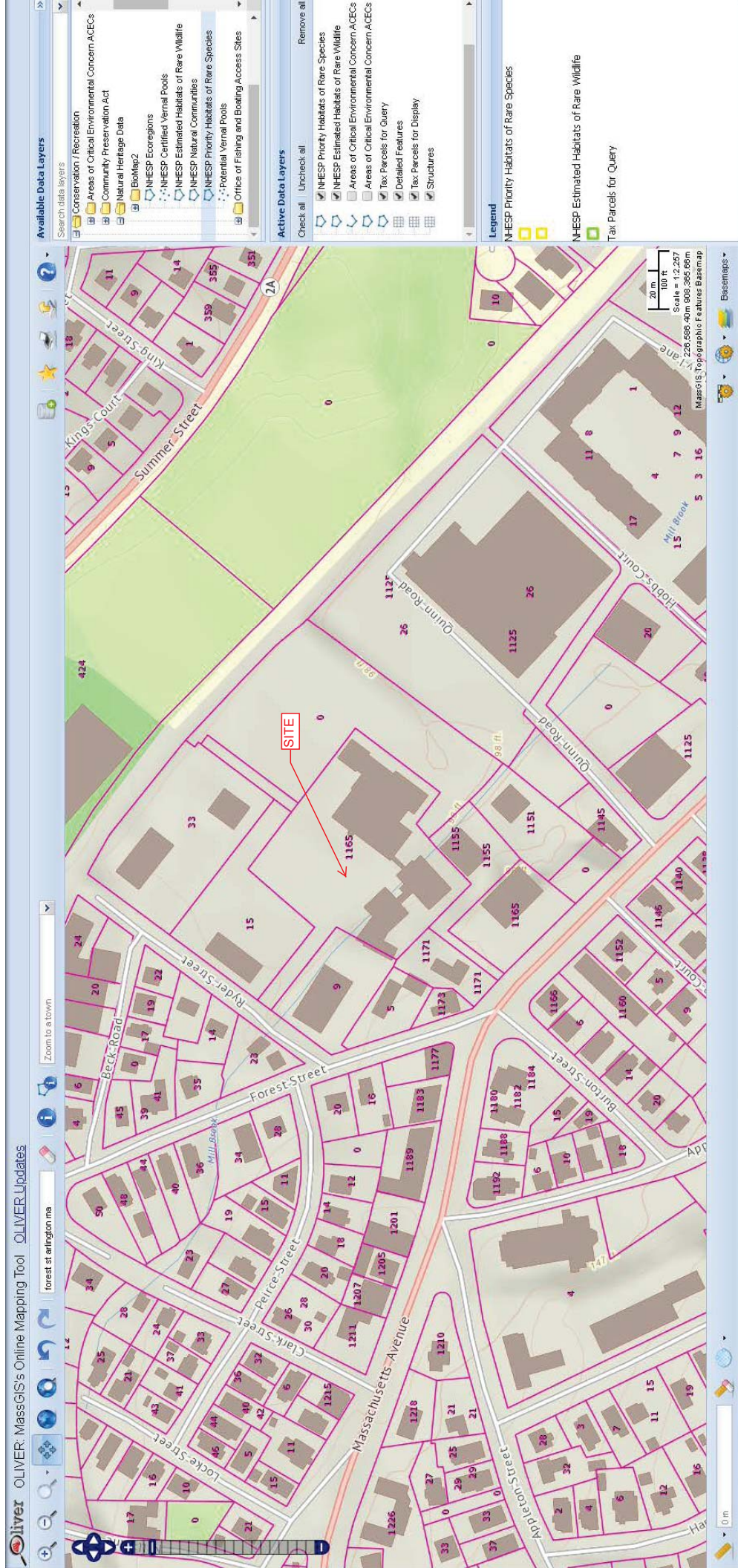
---

Company Name	Business Telephone Number
--------------	---------------------------

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Business Address	City,	State,	Zip Code
------------------	-------	--------	----------

## **Appendix J – Endangered Species Documentation**





## **Appendix K – Historic Properties Documentation**

RECEIVED

OCT 15 2020

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MASS. HIST. COM

PC. 68858

APPENDIX A

MASSACHUSETTS HISTORICAL COMMISSION  
220 MORRISSEY BOULEVARD BOSTON, MASS. 02125  
617-727-8470, FAX: 617-727-5128

**PROJECT NOTIFICATION FORM**

Project Name: 1165R Massachusetts Avenue  
Location / Address: 1165R Massachusetts Avenue  
City / Town: Arlington, Mass.  
Project Proponent Name: 1165R Mass MA Property LLC  
Address: c/o Spaulding & Slye Investments  
One Post Office Square, 26<sup>th</sup> floor  
City/Town/Zip/  
Telephone: Boston, MA 02109  
(617) 531-4244

After review of MHC files and the materials  
you submitted, it has been determined that  
this project is unlikely to affect significant  
historic or archaeological resources.

PC. 68858



11-10-2020

Elizabeth Sherva  
Preservation Planner  
Massachusetts Historical Commission  
XC: MWRA

Date

Agency license or funding for the project (list all licenses, permits, approvals, grants or other entitlements being sought from state and federal agencies).

Agency Name  
MWRA  
MassHousing

Type of License or funding (specify)  
8(m) Permit  
Chapter 40B Project Eligibility Letter

**Project Description (narrative):**

The project site, located at 1165 - 1167 Massachusetts Avenue, Arlington, MA, is approximately 2.3 acres in its current configuration. This includes a portion of the site on which 1167 Massachusetts Avenue (also known as "Workbar") is located. The site will be subdivided to separate Workbar from the remainder of the property, resulting in a total development area of 2.05 acres.

The property includes a portion of the Mill Brook, which runs east-west through the town and was occupied from the 1870s into the 1970s by the Theodore Schwamb Company, which manufactured piano cases here until the late 1920s and then architectural millwork. The proposed project will construct approximately 130 rental residential units on the property, rehabilitating and re-using two existing buildings on the site, constructing two new buildings sensitive to the historic quality of the property, and enhancing the character of Mill Brook as it flows through the site.

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APPENDIX A (continued)

The initial phase of new development in this industrial complex included the renovation of an existing brick building (consisting of three contiguous structures) located at 1167 Massachusetts Avenue to house Workbar, which opened in 2015 and expanded in 2019. The Workbar renovations required no State permits. The final phase of site development, the subject of this PNF, includes redevelopment of the balance of the site. The complex's historic features, both built and landscape, are integrated within the proposed project.

Two of the site's most distinctive, historic brick buildings—the largest factory building on the site and an early power plant—will be carefully renovated to enhance their historic character. Two new buildings, thoughtfully designed to complement the historic character of the property, will be constructed for residential use. Mill Brook will be opened up to view and improved with a new pedestrian and bicycle path paralleling its north bank and with adjacent landscaped open spaces that encourage public access and improve ecological balance.

A new bridge will also be built spanning the Mill Brook, as the existing bridge has reached the end of its serviceable life. The new bridge and connecting roadway will be widened to provide better access for pedestrians, vehicular traffic, and emergency vehicles. Overhead connecting corridors that now exist between Workbar and the Case Factory (1167 and 1165 Massachusetts Avenue, respectively) and between the Case Factory and 1165R (Building 1) will be removed. An existing garage/loading dock that spans over the Mill Brook and connects Buildings 1 and 2 at the ground level will also be removed. Other structures proposed to be removed are further discussed below.

It should be noted that the conversion of this industrial site is consistent with Town's master plan and 25% of the total number of units in the complex are set aside as affordable housing. A Letter of Support from the Arlington Select Board is included as an attachment to this PNF.

**Does the project include demolition? If so, specify nature of demolition and describe the building(s) which are proposed for demolition.**

Selective demolition is required in order to accommodate the configuration of the site, the program for new construction, and the infeasibility of re-using certain existing buildings due to their dimensional constraints, structural limitations, and location. The following structures are proposed to be removed (see Figure 1, site plan and demolition plan): the three-story Case Factory, an extensively altered, wood-frame building (ca. 1871-1875) noted as Building 2 along with its overhead and ground level corridors and garage/loading dock noted above; the one-story, brick rear wing of the Woodworking and Storehouse Building (1905) noted as Building 5; the rear part of the one-story Engine Room (concrete and brick; 1906) noted as Building 3; the one-story, brick Drying Rooms and Conditioning House (ca. 1906) noted as Building 4; and several nondescript, incongruous modern infill structures.

With the exception of the Case Factory, these structures occupy visually remote parts of the site, are small in size and scale, and are purely utilitarian in character. The earliest building on the site, the Case Factory, lacks architectural integrity due to heavily altered siding, fenestration, and detailing (see Figure 2); has dimensional constraints for residential reuse, including very low floor to ceiling heights and close grid spacing of structural columns; structural impediments such

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APPENDIX A (continued)

as haphazard wood framing connections and low capacity for floor framing loads; and suspected structural issues with column foundations and joints. Hazardous materials have also been found throughout the building - in flooring, roofing and siding materials - making rehabilitation problematic.

The Drying Rooms and Conditioning House (labeled Buildings 3, 4, and 5 in Figure 1, Plan D-1) as well as the infill structures noted above, are also not well-suited to residential uses and exhibit some of the same spatial and structural concerns. The list of deficiencies includes:

1. Close spacing of masonry bearing walls that would need to be removed.
2. Inconsistent floor elevations.
3. Visible cracks in masonry exterior walls that may indicate settlement/foundation issues.
4. Possible costly and space-consuming seismic upgrades may be required.
5. Hazardous materials including asbestos in glazing compounds and flooring, coatings on brick walls and painted ceilings, and in sealants. It should be noted that the only effective way to remove the asbestos coatings from the brick walls and painted ceilings is to remove those materials completely, because the coating is embedded in the materials.

The condition of the smokestack at the rear of the Engine Room was in fair to poor condition at the time the Mirak Family acquired the property. Since then, it has been struck by lightning several times. In 1987, a lightning strike reduced the overall height of the stack by approximately two feet. Following this damage, the Owners hired a mason to repair and stabilize the stack and installed a lightning rod in an attempt to mitigate future strikes.

Unfortunately, another lightning strike occurred in the late 1990's, resulting in the loss of another two feet of height. Cracks running the length of the stack have developed since those strikes, calling into question the smokestack's structural integrity and leading to concern by the Owners that the structure itself may be unstable. Two engineering reports were commissioned by the developers; one by Bolton & DiMartino Consulting Structural Engineers, Inc. and the other is by Building Enclosure Associates, LLC.. Both assert that the chimney is in poor condition, exhibiting areas of missing or deteriorated mortar, spalled brick, and vertical cracking. The reports conclude that either the chimney should be demolished and capped at the roofline or extensively rebuilt to include potential steel straps and angle braces, this altering the chimney's appearance.

**Does the project include rehabilitation of any existing buildings? If so, specify nature of rehabilitation and describe the building(s) which are proposed for rehabilitation.**

Two historic buildings on the site will be adaptively reused and renovated. The Woodworking and Storehouse Building (1905; noted as Building 1), a four-story, timber frame and brick building that is the largest structure on the property and forms the visual centerpiece of the Schwamb Company complex, will be adaptively re-used for dwelling units. The front portion of the Engine Room, a one-story concrete and brick structure (1906; noted as Building 11), will be re-used as amenities space for residents. Historic buildings to remain will be improved with cleaning and repointing of masonry facades to match existing; replacement of roofs; new, historically sensitive window sash; retention and repair of historic architectural elements such as masonry cornices on the exterior and interior stairs, metal fire doors, and heavy timber framing; retention of the THEODORE SCHWAMB CO. sign that is painted on the parapet of the south

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APPENDIX A (continued)

elevation of the Woodworking and Storehouse Building; and new interior finishes and life-safety features.

**Does the project include new construction? If so, describe (attach plans and elevations if necessary).**

The project includes a new four-story wood-frame building over two levels of garage space, at the north side of the property. It also includes a new four-story wood frame building over a single-story garage, replacing the Case Factory at the front (south side) of the parcel. (See Figure 3, Schematic Design package attached.) New construction on the site has been carefully considered to respond to the historic character of the existing buildings, and respects the height, proportions, materials, fenestration patterns, and other character-defining features of the historic buildings. The massing and heights of new buildings on the site have been designed to complement existing buildings. Materials, fenestration, and building setbacks have also been selected to harmonize with the historic structures and the industrial context of the property. Courtyards, landscaping, circulation, and gateways into the site will further integrate past and future, natural and built environments, and the property and its surrounding community.

**To the best of your knowledge, are any historic or archaeological properties known to exist within the project's area of potential impact? If so, specify.**

The project occupies the site of the Theodore Schwamb Company Complex (ARL.BM), an historic manufacturing complex that dates largely from the late 19<sup>th</sup> to early 20<sup>th</sup> centuries. This complex presently contains nine buildings constructed from ca. 1871 to the late 20<sup>th</sup> century. (See attached MHC Inventory Form A.)

**What is the total acreage of the project area? [EXISTING CONDITION]**

Woodland	0.00 acres	Productive Resources:	
Wetland	0.07 acres	Agriculture	0.00 acres
Floodplain	0.19 acres	Forestry	0.00 acres
Open space	0.26 acres	Mining/Extraction	0.0 acres
Developed	1.79 acres (including buildings and paved areas)		

Total Project Acreage (post sub-division): +/- 2.05 acres

**What is the acreage of the proposed new construction?**

1.41 acres, including buildings and paved areas.

**What is the present land use of the project area?**

Office, studios, and storage.

**Please attach a copy of the section of the USGS quadrangle map which clearly marks the project location.**

See attached Figure 4.

950 CMR: OFFICE OF THE SECRETARY OF THE COMMONWEALTH  
APPENDIX A (continued)

**Attachments**

- a. MHC Inventory Form A for the Theodore Schwamb Co. Complex (ARL.BM).\*
- b. Town of Arlington Select Board Letter of Support, dated August 17, 2020.
- c. Figure 1: The Redevelopment of 1165R, Presentation to Arlington Historical Commission, dated October 6, 2020.
- d. Figure 2: Historic Photo (Building 2) from 1919 Welcome Day Parade.
- e. Figure 3: Schematic Design package, dated June 18, 2020.
- f. Figure 4: USGS Quadrangle Map

***\*NOTE: Please note that the building designations on the MHC Inventory Form A differ from those in Figure A and in the text of this PNF.***

This Project Notification Form has been submitted to the MHC in compliance with 950 CMR 71.00.

---

Signature of Person submitting this form: \_\_\_\_\_



Date: October 15, 2020

Name: Daniel St. Clair

Address: 1165R Mass MA Property LLC  
c/o Spaulding & Slye Investments  
One Post Office Square, 26<sup>th</sup> floor

City/Town/Zip: Boston, Mass. 02109

Telephone: (617) 531-4244

**REGULATORY AUTHORITY**

950 CMR 71.00: M.G.L. c. 9, ss 26-27C as amended by St. 1988, c. 254

7/1/93

950 CMR - 278

5/31/96 (Effective 7/1/93) – corrected

950 CMR - 275

80 of 573

## **Appendix L – Arlington Conservation Commission Order of Conditions**

**Appendix M – Copy of 2017 USEPA Construction General Permit**



**National Pollutant Discharge Elimination System  
General Permit for Discharges from  
Construction Activities  
(as modified)**

In compliance with the provisions of the Clean Water Act, 33 U.S.C. §1251 et. seq., (hereafter CWA), as amended by the Water Quality Act of 1987, P.L. 100-4, "operators" of construction activities (defined in Appendix A) that meet the requirements of Part 1.1 of this National Pollutant Discharge Elimination System (NPDES) general permit, are authorized to discharge pollutants in accordance with the effluent limitations and conditions set forth herein. Permit coverage is required from the "commencement of construction activities" (see Appendix A) until one of the conditions for terminating CGP coverage has been met (see Part 8.2).

This permit becomes effective on **June 27, 2019**.

This permit and the authorization to discharge expire at 11:59pm, **February 16, 2022**.

Signed and issued this 14th day of May 2019  
Deborah Szaro,  
Acting Regional Administrator, EPA Region 1.

Signed and issued this 14th day of May 2019  
Charles W. Maguire,  
Director, Water Division, EPA Region 6.

Signed and issued this 14th day of May 2019  
Jeff Gratz,  
Deputy Director, Water Division, EPA Region 2.

Signed and issued this 14th day of May 2019  
Jeffery Robichaud,  
Director, Water Division, EPA Region 7.

Signed and issued this 14th day of May 2019  
Jose C. Font,  
Acting Director, Caribbean Environmental  
Protection Division, EPA Region 2.

Signed and issued this 14th day of May 2019  
Darcy O'Connor,  
Director, Water Division, EPA Region 8.

Signed and issued this 14th day of May 2019  
Catharine McManus,  
Deputy Director, Water Division, EPA Region 3.

Signed and issued this 14th day of May 2019  
Tomás Torres,  
Director, Water Division, EPA Region 9.

Signed and issued this 14th day of May 2019  
Jeaneanne M. Gettle,  
Director, Water Division, EPA Region 4.

Signed and issued this 14th day of May 2019  
Daniel D. Opalski,  
Director, Water Division, EPA Region 10.

Signed and issued this 14th day of May 2019  
Joan M. Tanaka,  
Acting Director, Water Division, EPA Region 5.

**CONTENTS**

<b>1</b>	<b>How to Obtain Coverage Under the Construction General Permit (CGP)</b>	<b>1</b>
1.1	Eligibility Conditions	1
1.2	Types of Discharges Authorized	2
1.3	Prohibited Discharges	4
1.4	Submitting your Notice of Intent (NOI)	4
1.5	Requirement to Post a Notice of Your Permit Coverage	6
<b>2</b>	<b>Technology-Based Effluent Limitations</b>	<b>6</b>
2.1	General Stormwater Control Design, Installation, and Maintenance Requirements	7
2.2	Erosion and Sediment Control Requirements	8
2.3	Pollution Prevention Requirements	14
2.4	Construction Dewatering Requirements	18
<b>3</b>	<b>Water Quality-Based Effluent Limitations</b>	<b>18</b>
3.1	General Effluent Limitation to Meet Applicable Water Quality Standards	18
3.2	Discharge Limitations for Sites Discharging to Sensitive Waters	19
<b>4</b>	<b>Site Inspection Requirements</b>	<b>20</b>
4.1	Person(s) Responsible for Inspecting Site	20
4.2	Frequency of Inspections	20
4.3	Increase in Inspection Frequency for Sites Discharging to Sensitive Waters	21
4.4	Reductions in Inspection Frequency	21
4.5	Areas that MUST Be Inspected	22
4.6	Requirements for Inspections	22
4.7	Inspection Report	23
4.8	Inspections By EPA	23
<b>5</b>	<b>Corrective Actions</b>	<b>24</b>
5.1	Conditions Triggering Corrective Action	24
5.2	Corrective Action Deadlines	24
5.3	Corrective Action Required by EPA	25
5.4	Corrective Action Report	25
<b>6</b>	<b>Staff Training Requirements</b>	<b>25</b>
<b>7</b>	<b>Stormwater Pollution Prevention Plan (SWPPP)</b>	<b>26</b>
7.1	General Requirements	26
7.2	SWPPP Contents	26
7.3	On-Site Availability of Your SWPPP	32
7.4	SWPPP Modifications	32

<b>8</b>	<b>How to Terminate Coverage .....</b>	<b>33</b>
8.1	Minimum Information Required in NOT .....	33
8.2	Conditions for Terminating CGP Coverage .....	34
8.3	How to Submit Your NOT .....	34
8.4	Deadline for Submitting the NOT .....	34
8.5	Effective Date of Termination of Coverage.....	34
<b>9</b>	<b>Permit Conditions Applicable to Specific States, Indian Country Lands, or Territories.....</b>	<b>35</b>
<b>Appendix A: Definitions and Acronyms .....</b>		<b>A-1</b>
<b>Appendix B: Permit Areas Eligible for Coverage and EPA Regional Addresses.....</b>		<b>B-1</b>
<b>Appendix C: Small Construction Waivers and Instructions .....</b>		<b>C-1</b>
<b>Appendix D: Eligibility Procedures Relating to Threatened &amp; Endangered Species Protection. D-1</b>		
<b>Appendix E: Historic Property Screening Process .....</b>		<b>E-1</b>
<b>Appendix F: List of Tier 3, Tier 2, and Tier 2.5 Waters.....</b>		<b>F-1</b>
<b>Appendix G: Buffer Requirements .....</b>		<b>G-1</b>
<b>Appendix H: 2-Year, 24-Hour Storm Frequencies .....</b>		<b>H-1</b>
<b>Appendix I: Standard Permit Conditions.....</b>		<b>I-1</b>
<b>Appendix J: Notice of Intent (NOI) Form and Instructions.....</b>		<b>J-1</b>
<b>Appendix K: Notice of Termination (NOT) Form and Instructions .....</b>		<b>K-1</b>
<b>Appendix L: Suggested Format for Request for Chemical Treatment .....</b>		<b>L-1</b>

## **1 HOW TO OBTAIN COVERAGE UNDER THE CONSTRUCTION GENERAL PERMIT (CGP)**

To be covered under this permit, you must meet the eligibility conditions and follow the requirements for obtaining permit coverage in this Part.

### **1.1 ELIGIBILITY CONDITIONS**

**1.1.1** You are an “operator” of a construction site for which discharges will be covered under this permit. For the purposes of this permit and in the context of stormwater discharges associated with construction activity, an “operator” is any party associated with a construction project that meets either of the following two criteria:

- a. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or
- b. The party has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions.

Where there are multiple operators associated with the same project, all operators must obtain permit coverage.<sup>1</sup> Subcontractors generally are not considered operators for the purposes of this permit.

**1.1.2** Your site's construction activities:

- a. Will disturb one or more acres of land, or will disturb less than one acre of land but are part of a common plan of development or sale that will ultimately disturb one or more acres of land; or
- b. Have been designated by EPA as needing permit coverage under 40 CFR 122.26(a)(1)(v) or 40 CFR 122.26(b)(15)(ii);

**1.1.3** Your site is located in an area where EPA is the permitting authority (see Appendix B);

**1.1.4** Discharges from your site are not:

- a. Already covered by a different NPDES permit for the same discharge; or
- b. In the process of having coverage under a different NPDES permit for the same discharge denied, terminated, or revoked.<sup>2, 3</sup>

**1.1.5** You are able to demonstrate that you meet one of the criteria listed in Appendix D with respect to the protection of species that are federally listed as endangered or threatened under the Endangered Species Act (ESA) and federally designated critical habitat;

**1.1.6** You have completed the screening process in Appendix E relating to the protection of historic properties; and

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<sup>1</sup> If the operator of a “construction support activity” (see Part 1.2.1c) is different than the operator of the main site, that operator must also obtain permit coverage. See Part 7.1 for clarification on the sharing of permit-related functions between and among operators on the same site and for conditions that apply to developing a SWPPP for multiple operators associated with the same site.

<sup>2</sup> Parts 1.1.4a and 1.1.4b do not include sites currently covered under the 2012 CGP that are in the process of obtaining coverage under this permit, nor sites covered under this permit that are transferring coverage to a different operator.

<sup>3</sup> Notwithstanding a site being made ineligible for coverage under this permit because it falls under the description of Parts 1.1.4a or 1.1.4b, above, EPA may waive the applicable eligibility requirement after specific review if it determines that coverage under this permit is appropriate.

- 1.1.7** You have complied with all requirements in Part 9 imposed by the applicable state, Indian tribe, or territory in which your construction activities and/or discharge will occur.
- 1.1.8** For “new sources” (as defined in Appendix A) only:
- a. EPA has not, prior to authorization under this permit, determined that discharges from your site will cause, have the reasonable potential to cause, or contribute to an excursion above any applicable water quality standard. Where such a determination is made prior to authorization, EPA may notify you that an individual permit application is necessary. However, EPA may authorize your coverage under this permit after you have included appropriate controls and implementation procedures designed to bring your discharge into compliance with this permit, specifically the requirement to meet water quality standards. In the absence of information demonstrating otherwise, EPA expects that compliance with the requirements of this permit, including the requirements applicable to such discharges in Part 3, will result in discharges that will not cause, have the reasonable potential to cause, or contribute to an excursion above any applicable water quality standard.
  - b. Discharges from your site to a Tier 2, Tier 2.5, or Tier 3 water<sup>4</sup> will not lower the water quality of the applicable water. In the absence of information demonstrating otherwise, EPA expects that compliance with the requirements of this permit, including the requirements applicable to such discharges in Part 3.2, will result in discharges that will not lower the water quality of such waters.
- 1.1.9** If you plan to add “cationic treatment chemicals” (as defined in Appendix A) to stormwater and/or authorized non-stormwater prior to discharge, you may not submit your Notice of Intent (NOI) unless and until you notify your applicable EPA Regional Office (see Appendix L) in advance and the EPA Regional Office authorizes coverage under this permit after you have included appropriate controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will not lead to discharges that cause an exceedance of water quality standards.

## **1.2 TYPES OF DISCHARGES AUTHORIZED<sup>5</sup>**

- 1.2.1** The following stormwater discharges are authorized under this permit provided that appropriate stormwater controls are designed, installed, and maintained (see Parts 2 and 3):
- a. Stormwater discharges, including stormwater runoff, snowmelt runoff, and surface runoff and drainage, associated with construction activity under 40 CFR 122.26(b)(14) or 122.26(b)(15)(i);
  - b. Stormwater discharges designated by EPA as needing a permit under 40 CFR 122.26(a)(1)(v) or 122.26(b)(15)(ii);

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<sup>4</sup> Note: Your site will be considered to discharge to a Tier 2, Tier 2.5, or Tier 3 water if the first water to which you discharge is identified by a state, tribe, or EPA as a Tier 2, Tier 2.5, or Tier 3 water. For discharges that enter a storm sewer system prior to discharge, the first water of the U.S. to which you discharge is the waterbody that receives the stormwater discharge from the storm sewer system. See list of Tier 2, Tier 2.5, and Tier 3 waters in Appendix F.

<sup>5</sup> See “Discharge” as defined in Appendix A. Note: Any discharges not expressly authorized in this permit cannot become authorized or shielded from liability under CWA section 402(k) by disclosure to EPA, state, or local authorities after issuance of this permit via any means, including the Notice of Intent (NOI) to be covered by the permit, the SWPPP, or during an inspection.

- c. Stormwater discharges from construction support activities (*e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas*) provided that:
  - i. The support activity is directly related to the construction site required to have permit coverage for stormwater discharges;
  - ii. The support activity is not a commercial operation, nor does it serve multiple unrelated construction sites;
  - iii. The support activity does not continue to operate beyond the completion of the construction activity at the site it supports; and
  - iv. Stormwater controls are implemented in accordance with Part 2 and Part 3 for discharges from the support activity areas.
- d. Stormwater discharges from earth-disturbing activities associated with the construction of staging areas and the construction of access roads conducted prior to active mining.

**1.2.2** The following non-stormwater discharges associated with your construction activity are authorized under this permit provided that, with the exception of water used to control dust and to irrigate vegetation in stabilized areas, these discharges are not routed to areas of exposed soil on your site and you comply with any applicable requirements for these discharges in Parts 2 and 3:

- a. Discharges from emergency fire-fighting activities;
- b. Fire hydrant flushings;
- c. Landscape irrigation;
- d. Water used to wash vehicles and equipment, provided that there is no discharge of soaps, solvents, or detergents used for such purposes;
- e. Water used to control dust;
- f. Potable water including uncontaminated water line flushings;
- g. External building washdown, provided soaps, solvents, and detergents are not used, and external surfaces do not contain hazardous substances (as defined in Appendix A) (*e.g., paint or caulk containing polychlorinated biphenyls (PCBs)*);
- h. Pavement wash waters, provided spills or leaks of toxic or hazardous substances have not occurred (unless all spill material has been removed) and where soaps, solvents, and detergents are not used. You are prohibited from directing pavement wash waters directly into any water of the U.S., storm drain inlet, or stormwater conveyance, unless the conveyance is connected to a sediment basin, sediment trap, or similarly effective control;
- i. Uncontaminated air conditioning or compressor condensate;
- j. Uncontaminated, non-turbid discharges of ground water or spring water;
- k. Foundation or footing drains where flows are not contaminated with process materials such as solvents or contaminated ground water; and
- l. Construction dewatering water discharged in accordance with Part 2.4.

**1.2.3** Also authorized under this permit are discharges of stormwater listed above in Part 1.2.1, or authorized non-stormwater discharges listed above in Part 1.2.2, commingled with a

discharge authorized by a different NPDES permit and/or a discharge that does not require NPDES permit authorization.

### 1.3 PROHIBITED DISCHARGES<sup>6</sup>

- 1.3.1 Wastewater from washout of concrete, unless managed by an appropriate control as described in Part 2.3.4;
- 1.3.2 Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials;
- 1.3.3 Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;
- 1.3.4 Soaps, solvents, or detergents used in vehicle and equipment washing or external building washdown; and
- 1.3.5 Toxic or hazardous substances from a spill or other release.

To prevent the above-listed prohibited non-stormwater discharges, operators must comply with the applicable pollution prevention requirements in Part 2.3.

### 1.4 SUBMITTING YOUR NOTICE OF INTENT (NOI)

All “operators” (as defined in Appendix A) associated with your construction site, who meet the Part 1.1 eligibility requirements, and who seek coverage under this permit, must submit to EPA a complete and accurate NOI in accordance with the deadlines in **Table 1** prior to commencing construction activities.

**Exception:** If you are conducting construction activities in response to a public emergency (*e.g., mud slides, earthquake, extreme flooding conditions, widespread disruption in essential public services*), and the related work requires immediate authorization to avoid imminent endangerment to human health, public safety, or the environment, or to reestablish essential public services, you may discharge on the condition that a complete and accurate NOI is submitted within 30 calendar days after commencing construction activities (see Table 1) establishing that you are eligible for coverage under this permit. You must also provide documentation in your Stormwater Pollution Prevention Plan (SWPPP) to substantiate the occurrence of the public emergency.

#### 1.4.1 Prerequisite for Submitting Your NOI

You must develop a SWPPP consistent with Part 7 before submitting your NOI for coverage under this permit.

#### 1.4.2 How to Submit Your NOI

You must use EPA's NPDES eReporting Tool (NeT) to electronically prepare and submit your NOI for coverage under the 2017 CGP, unless you received a waiver from your EPA Regional Office.

To access NeT, go to <https://www.epa.gov/npdes/stormwater-discharges-construction-activities#ereporting>.

Waivers from electronic reporting may be granted based on one of the following conditions:

<sup>6</sup> EPA includes these prohibited non-stormwater discharges here as a reminder to the operator that the only non-stormwater discharges authorized by this permit are at Part 1.2.2. Any unauthorized non-stormwater discharges must be covered under an individual permit or alternative general permit.

- a. If your operational headquarters is physically located in a geographic area (*i.e.*, ZIP code or census tract) that is identified as under-served for broadband Internet access in the most recent report from the Federal Communications Commission; or
- b. If you have limitations regarding available computer access or computer capability.

If the EPA Regional Office grants you approval to use a paper NOI, and you elect to use it, you must complete the form in Appendix J.

#### 1.4.3 Deadlines for Submitting Your NOI and Your Official Date of Permit Coverage

Table 1 provides the deadlines for submitting your NOI and the official start date of your permit coverage, which differ depending on when you commence construction activities.

**Table 1 NOI Submittal Deadlines and Official Start Date for Permit Coverage.**

Type of Operator	NOI Submittal Deadline <sup>7</sup>	Permit Authorization Date <sup>8</sup>
<b>Operator of a new site</b> ( <i>i.e.</i> , a site where construction activities commence on or after February 16, 2017)	At least 14 calendar days before commencing construction activities.	14 calendar days after EPA notifies you that it has received a complete NOI, unless EPA notifies you that your authorization is delayed or denied.
<b>Operator of an existing site</b> ( <i>i.e.</i> , a site with 2012 CGP coverage where construction activities commenced prior to February 16, 2017)	No later than <b>May 17, 2017</b> .	
<b>New operator of a permitted site</b> ( <i>i.e.</i> , an operator that through transfer of ownership and/or operation replaces the operator of an already permitted construction site that is either a "new site" or an "existing site")	At least 14 calendar days before the date the transfer to the new operator will take place.	
<b>Operator of an "emergency-related project"</b> ( <i>i.e.</i> , a project initiated in response to a public emergency ( <i>e.g.</i> , mud slides, earthquake, extreme flooding conditions, disruption in essential public services), for which the related work requires immediate authorization to avoid imminent endangerment to human health or the environment, or to reestablish essential public services)	No later than 30 calendar days after commencing construction activities.	You are considered provisionally covered under the terms and conditions of this permit immediately, and fully covered 14 calendar days after EPA notifies you that it has received a complete NOI, unless EPA notifies you that your authorization is delayed or denied.

#### 1.4.4 Modifying your NOI

<sup>7</sup> If you miss the deadline to submit your NOI, any and all discharges from your construction activities will continue to be unauthorized under the CWA until they are covered by this or a different NPDES permit. EPA may take enforcement action for any unpermitted discharges that occur between the commencement of construction activities and discharge authorization.

<sup>8</sup> Discharges are not authorized if your NOI is incomplete or inaccurate or if you are not eligible for permit coverage.



If after submitting your NOI you need to correct or update any fields, you may do so by submitting a "Change NOI" form using NeT. Waivers from electronic reporting may be granted as specified in Part 1.4.1. If the EPA Regional Office has granted you approval to submit a paper NOI modification, you may indicate any NOI changes on the same NOI form in Appendix J.

When there is a change to the site's operator, the new operator must submit a new NOI, and the previous operator must submit a Notice of Termination (NOT) form as specified in Part 8.3.

#### 1.4.5 Your Official End Date of Permit Coverage

Once covered under this permit, your coverage will last until the date that:

- a. You terminate permit coverage consistent with Part 8; or
- b. You receive permit coverage under a different NPDES permit or a reissued or replacement version of this permit after expiring on February 16, 2022; or
- c. You fail to submit an NOI for coverage under a revised or replacement version of this permit before the deadline for existing construction sites where construction activities continue after this permit has expired.

### 1.5 REQUIREMENT TO POST A NOTICE OF YOUR PERMIT COVERAGE

You must post a sign or other notice of your permit coverage at a safe, publicly accessible location in close proximity to the construction site. The notice must be located so that it is visible from the public road that is nearest to the active part of the construction site, and it must use a font large enough to be readily viewed from a public right-of-way.<sup>9</sup> At a minimum, the notice must include:

- a. The NPDES ID (*i.e.*, *permit tracking number assigned to your NOI*);
- b. A contact name and phone number for obtaining additional construction site information;
- c. The Uniform Resource Locator (URL) for the SWPPP (if available), or the following statement: "If you would like to obtain a copy of the Stormwater Pollution Prevention Plan (SWPPP) for this site, contact the EPA Regional Office at [*include the appropriate CGP Regional Office contact information found at <https://www.epa.gov/npdes/contact-us-stormwater#regional>*];" and
- d. The following statement "If you observe indicators of stormwater pollutants in the discharge or in the receiving waterbody, contact the EPA through the following website: <https://www.epa.gov/enforcement/report-environmental-violations>."

## 2 TECHNOLOGY-BASED EFFLUENT LIMITATIONS

You must comply with the following technology-based effluent limitations in this Part for all authorized discharges.<sup>10</sup>

<sup>9</sup> If the active part of the construction site is not visible from a public road, then place the notice of permit coverage in a position that is visible from the nearest public road and as close as possible to the construction site.

<sup>10</sup> For each of the effluent limits in Part 2, as applicable to your site, you must include in your SWPPP (1) a description of the specific control(s) to be implemented to meet the effluent limit; (2) any applicable design specifications; (3) routine maintenance specifications; and (4) the projected schedule for its (their)

## **2.1 GENERAL STORMWATER CONTROL DESIGN, INSTALLATION, AND MAINTENANCE REQUIREMENTS**

You must design, install, and maintain stormwater controls required in Parts 2.2 and 2.3 to minimize the discharge of pollutants in stormwater from construction activities. To meet this requirement, you must:

### **2.1.1 Account for the following factors in designing your stormwater controls:**

- a. The expected amount, frequency, intensity, and duration of precipitation;
- b. The nature of stormwater runoff and run-on at the site, including factors such as expected flow from impervious surfaces, slopes, and site drainage features. You must design stormwater controls to control stormwater volume, velocity, and peak flow rates to minimize discharges of pollutants in stormwater and to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points; and
- c. The soil type and range of soil particle sizes expected to be present on the site.

### **2.1.2 Design and install all stormwater controls in accordance with good engineering practices, including applicable design specifications.<sup>11</sup>**

### **2.1.3 Complete installation of stormwater controls by the time each phase of construction activities has begun.**

- a. By the time construction activity in any given portion of the site begins, install and make operational any downgradient sediment controls (*e.g., buffers, perimeter controls, exit point controls, storm drain inlet protection*) that control discharges from the initial site clearing, grading, excavating, and other earth-disturbing activities.<sup>12</sup>
- b. Following the installation of these initial controls, install and make operational all stormwater controls needed to control discharges prior to subsequent earth-disturbing activities.

### **2.1.4 Ensure that all stormwater controls are maintained and remain in effective operating condition during permit coverage and are protected from activities that would reduce their effectiveness.**

- a. Comply with any specific maintenance requirements for the stormwater controls listed in this permit, as well as any recommended by the manufacturer.<sup>13</sup>
- b. If at any time you find that a stormwater control needs routine maintenance, you must immediately initiate the needed maintenance work, and complete such work by the close of the next business day.

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installation/implementation. See Part 7.2.6.

<sup>11</sup> Design specifications may be found in manufacturer specifications and/or in applicable erosion and sediment control manuals or ordinances. Any departures from such specifications must reflect good engineering practices and must be explained in your SWPPP. You must also comply with any additional design and installation requirements specified for the effluent limits in Parts 2.2 and 2.3.

<sup>12</sup> Note that the requirement to install stormwater controls prior to each phase of construction activities for the site does not apply to the earth disturbance associated with the actual installation of these controls. Operators should take all reasonable actions to minimize the discharges of pollutants during the installation of stormwater controls.

<sup>13</sup> Any departures from such maintenance recommendations made by the manufacturer must reflect good engineering practices and must be explained in your SWPPP.

- c. If at any time you find that a stormwater control needs repair or replacement, you must comply with the corrective action requirements in Part 5.

## 2.2 EROSION AND SEDIMENT CONTROL REQUIREMENTS

You must implement erosion and sediment controls in accordance with the following requirements to minimize the discharge of pollutants in stormwater from construction activities.

### 2.2.1 Provide and maintain natural buffers and/or equivalent erosion and sediment controls when a water of the U.S. is located within 50 feet of the site's earth disturbances.

- a. **Compliance Alternatives.** For any discharges to waters of the U.S. located within 50 feet of your site's earth disturbances, you must comply with one of the following alternatives:
  - i. Provide and maintain a 50-foot undisturbed natural buffer; or
  - ii. Provide and maintain an undisturbed natural buffer that is less than 50 feet and is supplemented by erosion and sediment controls that achieve, in combination, the sediment load reduction equivalent to a 50-foot undisturbed natural buffer; or
  - iii. If infeasible to provide and maintain an undisturbed natural buffer of any size, implement erosion and sediment controls to achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer.

See Appendix G, Part G.2 for additional conditions applicable to each compliance alternative.

- b. **Exceptions.** See Appendix G, Part G.2 for exceptions to the compliance alternatives.

### 2.2.2 Direct stormwater to vegetated areas and maximize stormwater infiltration and filtering to reduce pollutant discharges, unless infeasible.

### 2.2.3 Install sediment controls along any perimeter areas of the site that will receive pollutant discharges.<sup>14</sup>

- a. Remove sediment before it has accumulated to one-half of the above-ground height of any perimeter control.
- b. **Exception.** For areas at "linear construction sites" (as defined in Appendix A) where perimeter controls are infeasible (*e.g., due to a limited or restricted right-of-way*), implement other practices as necessary to minimize pollutant discharges to perimeter areas of the site.

### 2.2.4 Minimize sediment track-out.

- a. Restrict vehicle use to properly designated exit points;
- b. Use appropriate stabilization techniques<sup>15</sup> at all points that exit onto paved roads.

<sup>14</sup> Examples of perimeter controls include filter berms, silt fences, vegetative strips, and temporary diversion dikes.

<sup>15</sup> Examples of appropriate stabilization techniques include the use of aggregate stone with an underlying geotextile or non-woven filter fabric, and turf mats.

- i. **Exception:** Stabilization is not required for exit points at linear utility construction sites that are used only episodically and for very short durations over the life of the project, provided other exit point controls<sup>16</sup> are implemented to minimize sediment track-out;
- c. Implement additional track-out controls<sup>17</sup> as necessary to ensure that sediment removal occurs prior to vehicle exit; and
- d. Where sediment has been tracked-out from your site onto paved roads, sidewalks, or other paved areas outside of your site, remove the deposited sediment by the end of the same business day in which the track-out occurs or by the end of the next business day if track-out occurs on a non-business day. Remove the track-out by sweeping, shoveling, or vacuuming these surfaces, or by using other similarly effective means of sediment removal. You are prohibited from hosing or sweeping tracked-out sediment into any stormwater conveyance, storm drain inlet, or water of the U.S.<sup>18</sup>

**2.2.5 Manage stockpiles or land clearing debris piles composed, in whole or in part, of sediment and/or soil:**

- a. Locate the piles outside of any natural buffers established under Part 2.2.1 and away from any stormwater conveyances, drain inlets, and areas where stormwater flow is concentrated;
- b. Install a sediment barrier along all downgradient perimeter areas;<sup>19</sup>
- c. For piles that will be unused for 14 or more days, provide cover<sup>20</sup> or appropriate temporary stabilization (consistent with Part 2.2.14);
- d. You are prohibited from hosing down or sweeping soil or sediment accumulated on pavement or other impervious surfaces into any stormwater conveyance, storm drain inlet, or water of the U.S.

**2.2.6 Minimize dust.** On areas of exposed soil, minimize dust through the appropriate application of water or other dust suppression techniques to control the generation of pollutants that could be discharged in stormwater from the site.

**2.2.7 Minimize steep slope disturbances.** Minimize the disturbance of “steep slopes” (as defined in Appendix A).

<sup>16</sup> Examples of other exit point controls include preventing the use of exit points during wet periods; minimizing exit point use by keeping vehicles on site to the extent possible; limiting exit point size to the width needed for vehicle and equipment usage; using scarifying and compaction techniques on the soil; and avoiding establishing exit points in environmentally sensitive areas (e.g., karst areas; steep slopes).

<sup>17</sup> Examples of additional track-out controls include the use of wheel washing, rumble strips, and rattle plates.

<sup>18</sup> Fine grains that remain visible (*i.e., staining*) on the surfaces of off-site streets, other paved areas, and sidewalks after you have implemented sediment removal practices are not a violation of Part 2.2.4.

<sup>19</sup> Examples of sediment barriers include berms, dikes, fiber rolls, silt fences, sandbags, gravel bags, or straw bale.

<sup>20</sup> Examples of cover include tarps, blown straw and hydroseeding.

**2.2.8 Preserve native topsoil, unless infeasible.<sup>21</sup>**

**2.2.9 Minimize soil compaction.<sup>22</sup>** In areas of your site where final vegetative stabilization will occur or where infiltration practices will be installed:

- a. Restrict vehicle and equipment use in these locations to avoid soil compaction; and
- b. Before seeding or planting areas of exposed soil that have been compacted, use techniques that rehabilitate and condition the soils as necessary to support vegetative growth.

**2.2.10 Protect storm drain inlets.**

- a. Install inlet protection measures that remove sediment from discharges prior to entry into any storm drain inlet that carries stormwater flow from your site to a water of the U.S., provided you have authority to access the storm drain inlet;<sup>23</sup> and
- b. Clean, or remove and replace, the protection measures as sediment accumulates, the filter becomes clogged, and/or performance is compromised. Where there is evidence of sediment accumulation adjacent to the inlet protection measure, remove the deposited sediment by the end of the same business day in which it is found or by the end of the following business day if removal by the same business day is not feasible.

**2.2.11 Control stormwater discharges, including both peak flowrates and total stormwater volume, to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points.<sup>24</sup>**

**2.2.12 If you install a sediment basin or similar impoundment:**

- a. Situate the basin or impoundment outside of any water of the U.S. and any natural buffers established under Part 2.2.1;
- b. Design the basin or impoundment to avoid collecting water from wetlands;
- c. Design the basin or impoundment to provide storage for either:
  - i. The calculated volume of runoff from a 2-year, 24-hour storm (see Appendix H); or
  - ii. 3,600 cubic feet per acre drained.

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<sup>21</sup> Stockpiling topsoil at off-site locations, or transferring topsoil to other locations, is an example of a practice that is consistent with the requirements in Part 2.2.8. Preserving native topsoil is not required where the intended function of a specific area of the site dictates that the topsoil be disturbed or removed. For example, some sites may be designed to be highly impervious after construction, and therefore little or no vegetation is intended to remain, or may not have space to stockpile native topsoil on site for later use, in which case, it may not be feasible to preserve topsoil.

<sup>22</sup> Minimizing soil compaction is not required where the intended function of a specific area of the site dictates that it be compacted.

<sup>23</sup> Inlet protection measures can be removed in the event of flood conditions or to prevent erosion.

<sup>24</sup> Examples of control measures that can be used to comply with this requirement include the use of erosion controls and/or velocity dissipation devices (e.g., check dams, sediment traps), within and along the length of a stormwater conveyance and at the outfall to slow down runoff.

- d. Utilize outlet structures that withdraw water from the surface of the sediment basin or similar impoundment, unless infeasible;<sup>25</sup>
- e. Use erosion controls and velocity dissipation devices to prevent erosion at inlets and outlets; and
- f. Remove accumulated sediment to maintain at least one-half of the design capacity and conduct all other appropriate maintenance to ensure the basin or impoundment remains in effective operating condition.

**2.2.13 If using treatment chemicals (e.g., polymers, flocculants, coagulants):**

- a. **Use conventional erosion and sediment controls before and after the application of treatment chemicals.** Chemicals may only be applied where treated stormwater is directed to a sediment control (e.g., *sediment basin, perimeter control*) before discharge.
- b. **Select appropriate treatment chemicals.** Chemicals must be appropriately suited to the types of soils likely to be exposed during construction and present in the discharges being treated (i.e., *the expected turbidity, pH, and flow rate of stormwater flowing into the chemical treatment system or area*).
- c. **Minimize discharge risk from stored chemicals.** Store all treatment chemicals in leak-proof containers that are kept under storm-resistant cover and surrounded by secondary containment structures (e.g., *spill berms, decks, spill containment pallets*), or provide equivalent measures designed and maintained to minimize the potential discharge of treatment chemicals in stormwater or by any other means (e.g., *storing chemicals in a covered area, having a spill kit available on site and ensuring personnel are available to respond expeditiously in the event of a leak or spill*).
- d. **Comply with state/local requirements.** Comply with applicable state and local requirements regarding the use of treatment chemicals.
- e. **Use chemicals in accordance with good engineering practices and specifications of the chemical provider/supplier.** Use treatment chemicals and chemical treatment systems in accordance with good engineering practices, and with dosing specifications and sediment removal design specifications provided by the provider/supplier of the applicable chemicals, or document in your SWPPP specific departures from these specifications and how they reflect good engineering practice.
- f. **Ensure proper training.** Ensure that all persons who handle and use treatment chemicals at the construction site are provided with appropriate, product-specific training. Among other things, the training must cover proper dosing requirements.
- g. **Perform additional measures specified by the EPA Regional Office for the authorized use of cationic chemicals.** If you have been authorized to use cationic chemicals at your site pursuant to Part 1.1.9, you must perform all additional measures as conditioned by your authorization to ensure that the use of such chemicals will not cause an exceedance of water quality standards.

<sup>25</sup> The circumstances in which it is infeasible to design outlet structures in this manner are rare. Exceptions may include areas with extended cold weather, where using surface outlets may not be feasible during certain time periods (although they must be used during other periods). If you determine that it is infeasible to meet this requirement, you must provide documentation in your SWPPP to support your determination, including the specific conditions or time periods when this exception will apply.

**2.2.14 Stabilize exposed portions of the site.** Implement and maintain stabilization measures (e.g., seeding protected by erosion controls until vegetation is established, sodding, mulching, erosion control blankets, hydromulch, gravel) that minimize erosion from exposed portions of the site in accordance with Parts 2.2.14a and 2.2.14b.

**a. Stabilization Deadlines:<sup>26</sup>**

Total Amount of Land Disturbance Occurring At Any One Time <sup>27</sup>	Deadline
<p><b>i. Five acres or less (≤5.0)</b></p> <p><b>Note: this includes sites disturbing more than five acres (&gt;5.0) total over the course of a project, but that limit disturbance at any one time (i.e., phase the disturbance) to five acres or less (≤5.0)</b></p>	<ul style="list-style-type: none"> <li>Initiate the installation of stabilization measures immediately<sup>28</sup> in any areas of exposed soil where construction activities have permanently ceased or will be temporarily inactive for 14 or more calendar days;<sup>29</sup> and</li> <li>Complete the installation of stabilization measures as soon as practicable, but no later than 14 calendar days after stabilization has been initiated.<sup>30</sup></li> </ul>

<sup>26</sup> EPA may determine, based on an inspection carried out under Part 4.8 and corrective actions required under Part 5.3, that the level of sediment discharge on the site makes it necessary to require a faster schedule for completing stabilization. For instance, if sediment discharges from an area of exposed soil that is required to be stabilized are compromising the performance of existing stormwater controls, EPA may require stabilization to correct this problem.

<sup>27</sup> Limiting disturbances to five (5) acres or less at any one time means that at no time during the project do the cumulative earth disturbances exceed five (5) acres. The following examples would qualify as limiting disturbances at any one time to five (5) acres or less:

1. The total area of disturbance for a project is five (5) acres or less.
2. The total area of disturbance for a project will exceed five (5) acres, but the operator ensures that no more than five (5) acres will be disturbed at any one time through implementation of stabilization measures. In this way, site stabilization can be used to “free up” land that can be disturbed without exceeding the five (5)-acre cap to qualify for the 14-day stabilization deadline. For instance, if an operator completes stabilization of two (2) acres of land on a five (5)-acre disturbance, then two (2) additional acres could be disturbed while still qualifying for the longer 14-day stabilization deadline.

<sup>28</sup> The following are examples of activities that would constitute the immediate initiation of stabilization:

1. Prepping the soil for vegetative or non-vegetative stabilization as long as seeding, planting, and/or installation of non-vegetative stabilization products takes place as soon as practicable, but no later than one (1) calendar day of completing soil preparation;
2. Applying mulch or other non-vegetative product to the exposed area;
3. Seeding or planting the exposed area;
4. Starting any of the activities in # 1 – 3 on a portion of the entire area that will be stabilized; and
5. Finalizing arrangements to have stabilization product fully installed in compliance with the deadlines for completing stabilization.

<sup>29</sup> The requirement to initiate stabilization immediately is triggered as soon as you know that construction work on a portion of the site is temporarily ceased and will not resume for 14 or more days, or as soon as you know that construction work is permanently ceased. In the context of this provision, “immediately” means as soon as practicable, but no later than the end of the next business day, following the day when the construction activities have temporarily or permanently ceased.

<sup>30</sup> If vegetative stabilization measures are being implemented, stabilization is considered “installed” when all activities necessary to seed or plant the area are completed. If non-vegetative stabilization measures are being implemented, stabilization is considered “installed” when all such measures are implemented or applied.

ii. <b>More than five acres (&gt;5.0)</b>	<ul style="list-style-type: none"> <li>• Initiate the installation of stabilization measures immediately<sup>31</sup> in any areas of exposed soil where construction activities have permanently ceased or will be temporarily inactive for 14 or more calendar days;<sup>32</sup> and</li> <li>• Complete the installation of stabilization measures as soon as practicable, but no later than seven (7) calendar days after stabilization has been initiated.<sup>33</sup></li> </ul>
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iii. **Exceptions:**

**(a) Arid, semi-arid, and drought-stricken areas** (as defined in Appendix A). If it is the seasonally dry period or a period in which drought is occurring, and vegetative stabilization measures are being used:

- (i) Immediately initiate and, within 14 calendar days of a temporary or permanent cessation of work in any portion of your site, complete the installation of temporary non-vegetative stabilization measures to the extent necessary to prevent erosion;
- (ii) As soon as practicable, given conditions or circumstances on the site, complete all activities necessary to seed or plant the area to be stabilized; and
- (iii) If construction is occurring during the seasonally dry period, indicate in your SWPPP the beginning and ending dates of the seasonally dry period and your site conditions. Also include the schedule you will follow for initiating and completing vegetative stabilization.

**(b) Operators that are affected by unforeseen circumstances<sup>34</sup> that delay the initiation and/or completion of vegetative stabilization:**

- (i) Immediately initiate and, within 14 calendar days, complete the installation of temporary non-vegetative stabilization measures to prevent erosion;
- (ii) Complete all soil conditioning, seeding, watering or irrigation installation, mulching, and other required activities related to the planting and initial establishment of vegetation as soon as conditions or circumstances allow it on your site; and
- (iii) Document in the SWPPP the circumstances that prevent you from meeting the deadlines in Part 2.2.14a and the schedule you will follow for initiating and completing stabilization.

**(c) Discharges to a sediment- or nutrient-impaired water or to a water that is identified by your state, tribe, or EPA as Tier 2, Tier 2.5, or Tier 3 for antidegradation purposes.** Complete stabilization as soon as

<sup>31</sup> See footnote 27

<sup>32</sup> See footnote 28

<sup>33</sup> See footnote 29

<sup>34</sup> Examples include problems with the supply of seed stock or with the availability of specialized equipment and unsuitability of soil conditions due to excessive precipitation and/or flooding.



practicable, but no later than seven (7) calendar days after stabilization has been initiated.

b. **Final Stabilization Criteria** (for any areas not covered by permanent structures):

- i. Establish uniform, perennial vegetation (*i.e., evenly distributed, without large bare areas*) that provides 70 percent or more of the cover that is provided by vegetation native to local undisturbed areas; and/or
- ii. Implement permanent non-vegetative stabilization measures<sup>35</sup> to provide effective cover.

iii. **Exceptions:**

- (a) **Arid, semi-arid, and drought-stricken areas** (as defined in Appendix A). Final stabilization is met if the area has been seeded or planted to establish vegetation that provides 70 percent or more of the cover that is provided by vegetation native to local undisturbed areas within three (3) years and, to the extent necessary to prevent erosion on the seeded or planted area, non-vegetative erosion controls have been applied that provide cover for at least three years without active maintenance.
- (b) **Disturbed areas on agricultural land that are restored to their preconstruction agricultural use.** The Part 2.2.14b final stabilization criteria does not apply.
- (c) **Areas that need to remain disturbed.** In limited circumstances, stabilization may not be required if the intended function of a specific area of the site necessitates that it remain disturbed, and only the minimum area needed remains disturbed (*e.g., dirt access roads, utility pole pads, areas being used for storage of vehicles, equipment, materials*).

## 2.3 POLLUTION PREVENTION REQUIREMENTS<sup>36</sup>

You must implement pollution prevention controls in accordance with the following requirements to minimize the discharge of pollutants in stormwater and to prevent the discharge of pollutants from spilled or leaked materials from construction activities.

### 2.3.1 For equipment and vehicle fueling and maintenance:

- a. Provide an effective means of eliminating the discharge of spilled or leaked chemicals, including fuels and oils, from these activities;<sup>37</sup>

<sup>35</sup> Examples of permanent non-vegetative stabilization measures include riprap, gravel, gabions, and geotextiles.

<sup>36</sup> Under this permit, you are not required to minimize exposure for any products or materials where the exposure to precipitation and to stormwater will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk of stormwater contamination (such as final products and materials intended for outdoor use).

<sup>37</sup> Examples of effective means include:

- Locating activities away from waters of the U.S. and stormwater inlets or conveyances so that stormwater coming into contact with these activities cannot reach waters of the U.S.;
- Providing secondary containment (*e.g., spill berms, decks, spill containment pallets*) and cover where appropriate; and
- Having a spill kit available on site and ensuring personnel are available to respond expeditiously in the event of a leak or spill.

- b. If applicable, comply with the Spill Prevention Control and Countermeasures (SPCC) requirements in 40 CFR part 112 and Section 311 of the CWA;
- c. Ensure adequate supplies are available at all times to handle spills, leaks, and disposal of used liquids;
- d. Use drip pans and absorbents under or around leaky vehicles;
- e. Dispose of or recycle oil and oily wastes in accordance with other federal, state, tribal, or local requirements; and
- f. Clean up spills or contaminated surfaces immediately, using dry clean up measures (do not clean contaminated surfaces by hosing the area down), and eliminate the source of the spill to prevent a discharge or a continuation of an ongoing discharge.

### **2.3.2 For equipment and vehicle washing:**

- a. Provide an effective means of minimizing the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other types of wash waters;<sup>38</sup>
- b. Ensure there is no discharge of soaps, solvents, or detergents in equipment and vehicle wash water; and
- c. For storage of soaps, detergents, or solvents, provide either (1) cover (e.g., *plastic sheeting, temporary roofs*) to minimize the exposure of these detergents to precipitation and to stormwater, or (2) a similarly effective means designed to minimize the discharge of pollutants from these areas.

### **2.3.3 For storage, handling, and disposal of building products, materials, and wastes:**

- a. *For building materials and building products*<sup>39</sup>, provide either (1) cover (e.g., *plastic sheeting, temporary roofs*) to minimize the exposure of these products to precipitation and to stormwater, or (2) a similarly effective means designed to minimize the discharge of pollutants from these areas.

Minimization of exposure is not required in cases where the exposure to precipitation and to stormwater will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk of stormwater contamination (such as final products and materials intended for outdoor use).

- b. *For pesticides, herbicides, insecticides, fertilizers, and landscape materials:*
  - i. In storage areas, provide either (1) cover (e.g., *plastic sheeting, temporary roofs*) to minimize the exposure of these chemicals to precipitation and to stormwater, or (2) a similarly effective means designed to minimize the discharge of pollutants from these areas; and
  - ii. Comply with all application and disposal requirements included on the registered pesticide, herbicide, insecticide, and fertilizer label (see also Part 2.3.5).
- c. *For diesel fuel, oil, hydraulic fluids, other petroleum products, and other chemicals:*

<sup>38</sup> Examples of effective means include locating activities away from waters of the U.S. and stormwater inlets or conveyances and directing wash waters to a sediment basin or sediment trap, using filtration devices, such as filter bags or sand filters, or using other similarly effective controls.

<sup>39</sup> Examples of building materials and building products typically present at construction sites include asphalt sealants, copper flashing, roofing materials, adhesives, concrete admixtures, and gravel and mulch stockpiles.

- i. Store chemicals in water-tight containers, and provide either (1) cover (e.g., *plastic sheeting, temporary roofs*) to minimize the exposure of these containers to precipitation and to stormwater, or (2) a similarly effective means designed to minimize the discharge of pollutants from these areas (e.g., *having a spill kit available on site and ensuring personnel are available to respond expeditiously in the event of a leak or spill*), or provide secondary containment (e.g., *spill berms, decks, spill containment pallets*); and
  - ii. Clean up spills immediately, using dry clean-up methods where possible, and dispose of used materials properly. You are prohibited from hosing the area down to clean surfaces or spills. Eliminate the source of the spill to prevent a discharge or a furtherance of an ongoing discharge.
- d. *For hazardous or toxic wastes:*<sup>40</sup>
- i. Separate hazardous or toxic waste from construction and domestic waste;
  - ii. Store waste in sealed containers, which are constructed of suitable materials to prevent leakage and corrosion, and which are labeled in accordance with applicable Resource Conservation and Recovery Act (RCRA) requirements and all other applicable federal, state, tribal, or local requirements;
  - iii. Store all outside containers within appropriately-sized secondary containment (e.g., *spill berms, decks, spill containment pallets*) to prevent spills from being discharged, or provide a similarly effective means designed to prevent the discharge of pollutants from these areas (e.g., *storing chemicals in a covered area, having a spill kit available on site*);
  - iv. Dispose of hazardous or toxic waste in accordance with the manufacturer's recommended method of disposal and in compliance with federal, state, tribal, and local requirements;
  - v. Clean up spills immediately, using dry clean-up methods, and dispose of used materials properly. You are prohibited from hosing the area down to clean surfaces or spills. Eliminate the source of the spill to prevent a discharge or a furtherance of an ongoing discharge; and
  - vi. Follow all other federal, state, tribal, and local requirements regarding hazardous or toxic waste.
- e. *For construction and domestic wastes:*<sup>41</sup>
- i. Provide waste containers (e.g., *dumpster, trash receptacle*) of sufficient size and number to contain construction and domestic wastes;
  - ii. Keep waste container lids closed when not in use and close lids at the end of the business day for those containers that are actively used throughout the day. For waste containers that do not have lids, provide either (1) cover (e.g., *a tarp, plastic sheeting, temporary roof*) to minimize exposure of wastes to precipitation,

<sup>40</sup> Examples of hazardous or toxic waste that may be present at construction sites include paints, caulks, sealants, fluorescent light ballasts, solvents, petroleum-based products, wood preservatives, additives, curing compounds, and acids.

<sup>41</sup> Examples of construction and domestic waste include packaging materials, scrap construction materials, masonry products, timber, pipe and electrical cuttings, plastics, styrofoam, concrete, demolition debris; and other trash or building materials.

or (2) a similarly effective means designed to minimize the discharge of pollutants (e.g., secondary containment);

- iii. On business days, clean up and dispose of waste in designated waste containers; and
- iv. Clean up immediately if containers overflow.
- f. For sanitary waste, position portable toilets so that they are secure and will not be tipped or knocked over, and located away from waters of the U.S. and stormwater inlets or conveyances.

**2.3.4 For washing applicators and containers used for stucco, paint, concrete, form release oils, curing compounds, or other materials:**

- a. Direct wash water into a leak-proof container or leak-proof and lined pit designed so that no overflows can occur due to inadequate sizing or precipitation;
- b. Handle washout or cleanout wastes as follows:
  - i. Do not dump liquid wastes in storm sewers or waters of the U.S.;
  - ii. Dispose of liquid wastes in accordance with applicable requirements in Part 2.3.3; and
  - iii. Remove and dispose of hardened concrete waste consistent with your handling of other construction wastes in Part 2.3.3; and
- c. Locate any washout or cleanout activities as far away as possible from waters of the U.S. and stormwater inlets or conveyances, and, to the extent feasible, designate areas to be used for these activities and conduct such activities only in these areas.

**2.3.5 For the application of fertilizers:**

- a. Apply at a rate and in amounts consistent with manufacturer's specifications, or document in the SWPPP departures from the manufacturer specifications where appropriate in accordance with Part 7.2.6.b.ix;
- b. Apply at the appropriate time of year for your location, and preferably timed to coincide as closely as possible to the period of maximum vegetation uptake and growth;
- c. Avoid applying before heavy rains that could cause excess nutrients to be discharged;
- d. Never apply to frozen ground;
- e. Never apply to stormwater conveyance channels; and
- f. Follow all other federal, state, tribal, and local requirements regarding fertilizer application.

**2.3.6 Emergency Spill Notification Requirements**

Discharges of toxic or hazardous substances from a spill or other release are prohibited, consistent with Part 1.3.5. Where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR 110, 40 CFR 117, or 40 CFR 302 occurs during a 24-hour period, you must notify the National Response Center (NRC) at (800) 424-8802 or, in the Washington, DC metropolitan area, call (202) 267-2675 in accordance with the requirements of 40 CFR 110, 40 CFR 117, and 40 CFR 302 as soon as you have knowledge of the release. You must also, within seven (7) calendar days of knowledge of the release, provide a

description of the release, the circumstances leading to the release, and the date of the release. State, tribal, or local requirements may necessitate additional reporting of spills or discharges to local emergency response, public health, or drinking water supply agencies.

## **2.4 CONSTRUCTION DEWATERING REQUIREMENTS**

Comply with the following requirements to minimize the discharge of pollutants in ground water or accumulated stormwater that is removed from excavations, trenches, foundations, vaults, or other similar points of accumulation, in accordance with Part 1.2.2.<sup>42</sup>

- 2.4.1** Treat dewatering discharges with controls to minimize discharges of pollutants;<sup>43</sup>
- 2.4.2** Do not discharge visible floating solids or foam;
- 2.4.3** Use an oil-water separator or suitable filtration device (such as a cartridge filter) that is designed to remove oil, grease, or other products if dewatering water is found to contain these materials;
- 2.4.4** To the extent feasible, use vegetated, upland areas of the site to infiltrate dewatering water before discharge. You are prohibited from using waters of the U.S. as part of the treatment area;
- 2.4.5** At all points where dewatering water is discharged, comply with the velocity dissipation requirements of Part 2.2.11;
- 2.4.6** With backwash water, either haul it away for disposal or return it to the beginning of the treatment process; and
- 2.4.7** Replace and clean the filter media used in dewatering devices when the pressure differential equals or exceeds the manufacturer's specifications.

## **3 WATER QUALITY-BASED EFFLUENT LIMITATIONS**

### **3.1 GENERAL EFFLUENT LIMITATION TO MEET APPLICABLE WATER QUALITY STANDARDS**

Discharges must be controlled as necessary to meet applicable water quality standards. Discharges must also comply with any additional state or tribal requirements that are in Part 9.

In the absence of information demonstrating otherwise, EPA expects that compliance with the conditions in this permit will result in stormwater discharges being controlled as necessary to meet applicable water quality standards. If at any time you become aware, or EPA determines, that discharges are not being controlled as necessary to meet applicable water quality standards, you must take corrective action as required in Parts 5.1 and 5.2, and document the corrective actions as required in Part 5.4.

<sup>42</sup> Uncontaminated, clear (non-turbid) dewatering water can be discharged without being routed to a control.

<sup>43</sup> Appropriate controls include sediment basins or sediment traps, sediment socks, dewatering tanks, tube settlers, weir tanks, filtration systems (e.g., *bag or sand filters*), and passive treatment systems that are designed to remove sediment. Appropriate controls to use downstream of dewatering controls to minimize erosion include vegetated buffers, check dams, riprap, and grouted riprap at outlets.

EPA may insist that you install additional controls (to meet the narrative water quality-based effluent limit above) on a site-specific basis, or require you to obtain coverage under an individual permit, if information in your NOI or from other sources indicates that your discharges are not controlled as necessary to meet applicable water quality standards. This includes situations where additional controls are necessary to comply with a wasteload allocation in an EPA-established or approved TMDL.

If during your coverage under a previous permit, you were required to install and maintain stormwater controls specifically to meet the assumptions and requirements of an EPA-approved or established TMDL (for any parameter) or to otherwise control your discharge to meet water quality standards, you must continue to implement such controls as part of your coverage under this permit.

### 3.2 DISCHARGE LIMITATIONS FOR SITES DISCHARGING TO SENSITIVE WATERS<sup>44</sup>

For any portion of the site that discharges to a sediment or nutrient-impaired water or to a water that is identified by your state, tribe, or EPA as Tier 2, Tier 2.5, or Tier 3 for antidegradation purposes, you must comply with the inspection frequency specified in 4.3 and you must comply with the stabilization deadline specified in Part 2.2.14.a.iii.(c).<sup>45</sup>

If you discharge to a water that is impaired for a parameter other than a sediment-related parameter or nutrients, EPA will inform you if any additional controls are necessary for your discharge to be controlled as necessary to meet water quality standards, including for it to be consistent with the assumptions of any available wasteload allocation in any applicable TMDL, or if coverage under an individual permit is necessary.

In addition, on a case-by-case basis, EPA may notify operators of new sites or operators of existing sites with increased discharges that additional analyses, stormwater controls, or other measures are necessary to comply with the applicable

<sup>44</sup> Sensitive waters include waters that are impaired and Tier 2, Tier 2.5, and Tier 3 waters.

"Impaired waters" are those waters identified by the state, tribe, or EPA as not meeting an applicable water quality standard and (1) requires development of a TMDL (pursuant to section 303(d) of the CWA; or (2) is addressed by an EPA-approved or established TMDL; or (3) is not in either of the above categories but the waterbody is covered by a pollution control program that meets the requirements of 40 CFR 130.7(b)(1). Your construction site will be considered to discharge to an impaired water if the first water of the U.S. to which you discharge is an impaired water for the pollutants contained in the discharge from your site. For discharges that enter a storm sewer system prior to discharge, the first water of the U.S. to which you discharge is the waterbody that receives the stormwater discharge from the storm sewer system. For assistance in determining whether your site discharges to impaired waters, EPA has developed a tool that is available both within the electronic NOI form in NeT, and at <https://water.epa.gov/polwaste/npdes/stormwater/discharge.cfm>.

Tiers 2, 2.5 and 3 refer to waters either identified by the state as high quality waters or Outstanding National Resource Waters under 40 CFR 131.12(a)(2) and (3). For the purposes of this permit, you are considered to discharge to a Tier 2, Tier 2.5, or Tier 3 water if the first water of the U.S. to which you discharge is identified by a state, tribe, or EPA as Tier 2, Tier 2.5, or Tier 3. For discharges that enter a storm sewer system prior to discharge, the water of the U.S. to which you discharge is the first water of the U.S. that receives the stormwater discharge from the storm sewer system. See list of Tier 2, Tier 2.5, and Tier 3 waters in Appendix F.

EPA may determine on a case-by-case basis that a site discharges to a sensitive water.

<sup>45</sup> If you qualify for any of the reduced inspection frequencies in Part 4.4, you may conduct inspections in accordance with Part 4.4 for any portion of your site that discharges to a sensitive water.

antidegradation requirements, or notify you that an individual permit application is necessary.

If you discharge to a water that is impaired for polychlorinated biphenyls (PCBs) and are engaging in demolition of any structure with at least 10,000 square feet of floor space built or renovated before January 1, 1980, you must:

- a. Implement controls<sup>46</sup> to minimize the exposure of PCB-containing building materials, including paint, caulk, and pre-1980 fluorescent lighting fixtures, to precipitation and to stormwater; and
- b. Ensure that disposal of such materials is performed in compliance with applicable state, federal, and local laws.

## **4 SITE INSPECTION REQUIREMENTS**

### **4.1 PERSON(S) RESPONSIBLE FOR INSPECTING SITE**

The person(s) inspecting your site may be a person on your staff or a third party you hire to conduct such inspections. You are responsible for ensuring that the person who conducts inspections is a "qualified person."<sup>47</sup>

### **4.2 FREQUENCY OF INSPECTIONS.<sup>48</sup>**

At a minimum, you must conduct a site inspection in accordance with one of the two schedules listed below, unless you are subject to the Part 4.3 site inspection frequency for discharges to sensitive waters or qualify for a Part 4.4 reduction in the inspection frequency:

**4.2.1** At least once every seven (7) calendar days; or

**4.2.2** Once every 14 calendar days *and* within 24 hours of the occurrence of a storm event of 0.25 inches or greater, or the occurrence of runoff from snowmelt sufficient to cause a discharge.<sup>49</sup> To determine if a storm event of 0.25 inches or greater has occurred on your site, you must either keep a properly maintained rain gauge on your site, or obtain the storm event information from a weather station that is representative of your location. For any day of rainfall during normal business hours that measures 0.25 inches or greater, you must record the total rainfall measured for that day in accordance with Part 4.7.1d.

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<sup>46</sup> Examples of controls to minimize exposure of PCBs to precipitation and stormwater include separating work areas from non-work areas and selecting appropriate personal protective equipment and tools, constructing a containment area so that all dust or debris generated by the work remains within the protected area, using tools that minimize dust and heat (<212°F). For additional information, refer to Part 2.3.3 of the CGP Fact Sheet.

<sup>47</sup> A "qualified person" is a person knowledgeable in the principles and practice of erosion and sediment controls and pollution prevention, who possesses the appropriate skills and training to assess conditions at the construction site that could impact stormwater quality, and the appropriate skills and training to assess the effectiveness of any stormwater controls selected and installed to meet the requirements of this permit.

<sup>48</sup> Inspections are only required during the site's normal working hours.

<sup>49</sup> "Within 24 hours of the occurrence of a storm event" means that you must conduct an inspection within 24 hours once a storm event has produced 0.25 inches within a 24-hour period, even if the storm event is still continuing. Thus, if you have elected to inspect bi-weekly in accordance with Part 4.2.2 and there is a storm event at your site that continues for multiple days, and each day of the storm produces 0.25 inches or more of rain, you must conduct an inspection within 24 hours of the first day of the storm and within 24 hours after the end of the storm.

**4.3 INCREASE IN INSPECTION FREQUENCY FOR SITES DISCHARGING TO SENSITIVE WATERS.**

For any portion of the site that discharges to a sediment or nutrient-impaired water or to a water that is identified by your state, tribe, or EPA as Tier 2, Tier 2.5, or Tier 3 for antidegradation purposes (see Part 3.2), instead of the inspection frequency specified in Part 4.2, you must conduct inspections in accordance with the following inspection frequencies:

Once every seven (7) calendar days *and* within 24 hours of the occurrence of a storm event of 0.25 inches or greater, or the occurrence of runoff from snowmelt sufficient to cause a discharge. To determine if a storm event of 0.25 inches or greater has occurred on your site, you must either keep a properly maintained rain gauge on your site, or obtain the storm event information from a weather station that is representative of your location. For any day of rainfall during normal business hours that measures 0.25 inches or greater, you must record the total rainfall measured for that day in accordance with Part 4.7.1d.

**4.4 REDUCTIONS IN INSPECTION FREQUENCY****4.4.1 Stabilized areas.**

- a. You may reduce the frequency of inspections to twice per month for the first month, no more than 14 calendar days apart, then once per month in any area of your site where the stabilization steps in 2.2.14a have been completed. If construction activity resumes in this portion of the site at a later date, the inspection frequency immediately increases to that required in Parts 4.2 and 4.3, as applicable. You must document the beginning and ending dates of this period in your SWPPP.
- b. **Exception.** For "linear construction sites" (as defined in Appendix A) where disturbed portions have undergone final stabilization at the same time active construction continues on others, you may reduce the frequency of inspections to twice per month for the first month, no more than 14 calendar days apart, in any area of your site where the stabilization steps in 2.2.14a have been completed. After the first month, inspect once more within 24 hours of the occurrence of a storm event of 0.25 inches or greater. If there are no issues or evidence of stabilization problems, you may suspend further inspections. If "wash-out" of stabilization materials and/or sediment is observed, following re-stabilization, inspections must resume at the inspection frequency required in Part 4.4.1a. Inspections must continue until final stabilization is visually confirmed following a storm event of 0.25 inches or greater.

**4.4.2 Arid, semi-arid, or drought-stricken areas** (as defined in Appendix A). If it is the seasonally dry period or a period in which drought is occurring, you may reduce the frequency of inspections to once per month and within 24 hours of the occurrence of a storm event of 0.25 inches or greater. You must document that you are using this reduced schedule and the beginning and ending dates of the seasonally dry period in your SWPPP. To determine if a storm event of 0.25 inches or greater has occurred on your site, you must either keep a properly maintained rain gauge on your site, or obtain the storm event information from a weather station that is representative of your location. For any day of rainfall during normal business hours that measures 0.25 inches or greater, you must record the total rainfall measured for that day in accordance with Part 4.7.1d.

**4.4.3 Frozen conditions:**

- a. If you are suspending construction activities due to frozen conditions, you may temporarily suspend inspections on your site until thawing conditions (as defined in Appendix A) begin to occur if:



- i. Runoff is unlikely due to continuous frozen conditions that are likely to continue at your site for at least three (3) months based on historic seasonal averages. If unexpected weather conditions (such as above freezing temperatures or rain events) make discharges likely, you must immediately resume your regular inspection frequency as described in Parts 4.2 and 4.3, as applicable;
  - ii. Land disturbances have been suspended; and
  - iii. All disturbed areas of the site have been stabilized in accordance with Part 2.2.14a.
- b. If you are still conducting construction activities during frozen conditions, you may reduce your inspection frequency to once per month if:
- i. Runoff is unlikely due to continuous frozen conditions that are likely to continue at your site for at least three (3) months based on historic seasonal averages. If unexpected weather conditions (such as above freezing temperatures or rain events) make discharges likely, you must immediately resume your regular inspection frequency as described in Parts 4.2 and 4.3, as applicable; and
  - ii. Except for areas in which you are actively conducting construction activities, disturbed areas of the site have been stabilized in accordance with Part 2.2.14a.

You must document the beginning and ending dates of this period in your SWPPP.

#### **4.5 AREAS THAT MUST BE INSPECTED**

During your site inspection, you must at a minimum inspect the following areas of your site:

- 4.5.1** All areas that have been cleared, graded, or excavated and that have not yet completed stabilization consistent with Part 2.2.14a;
- 4.5.2** All stormwater controls (including pollution prevention controls) installed at the site to comply with this permit;<sup>50</sup>
- 4.5.3** Material, waste, borrow, and equipment storage and maintenance areas that are covered by this permit;
- 4.5.4** All areas where stormwater typically flows within the site, including drainageways designed to divert, convey, and/or treat stormwater;
- 4.5.5** All points of discharge from the site; and
- 4.5.6** All locations where stabilization measures have been implemented.

You are not required to inspect areas that, at the time of the inspection, are considered unsafe to your inspection personnel.

#### **4.6 REQUIREMENTS FOR INSPECTIONS**

During your site inspection, you must at a minimum:

- 4.6.1** Check whether all stormwater controls (*i.e., erosion and sediment controls and pollution prevention controls*) are properly installed, appear to be operational, and are working as intended to minimize pollutant discharges;

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<sup>50</sup> This includes the requirement to inspect for sediment that has been tracked out from the site onto paved roads, sidewalks, or other paved areas consistent with Part 2.2.4.

- 4.6.2** Check for the presence of conditions that could lead to spills, leaks, or other accumulations of pollutants on the site;
- 4.6.3** Identify any locations where new or modified stormwater controls are necessary to meet the requirements of Parts 2 and/or 3;
- 4.6.4** Check for signs of visible erosion and sedimentation (*i.e., sediment deposits*) that have occurred and are attributable to your discharge at points of discharge and, if applicable, the banks of any waters of the U.S. flowing within or immediately adjacent to the site;
- 4.6.5** Identify any incidents of noncompliance observed;
- 4.6.6** If a discharge is occurring during your inspection:
  - a. Identify all discharge points at the site; and
  - b. Observe and document the visual quality of the discharge, and take note of the characteristics of the stormwater discharge, including color; odor; floating, settled, or suspended solids; foam; oil sheen; and other indicators of stormwater pollutants.
- 4.6.7** Based on the results of your inspection, complete any necessary maintenance under Part 2.1.4 and corrective action under Part 5.

#### **4.7 INSPECTION REPORT**

- 4.7.1** You must complete an inspection report within 24 hours of completing any site inspection. Each inspection report must include the following:
  - a. The inspection date;
  - b. Names and titles of personnel making the inspection;
  - c. A summary of your inspection findings, covering at a minimum the observations you made in accordance with Part 4.6, including any necessary maintenance or corrective actions;
  - d. If you are inspecting your site at the frequency specified in Part 4.2.2, Part 4.3, or Part 4.4.1b, and you conducted an inspection because of rainfall measuring 0.25 inches or greater, you must include the applicable rain gauge or weather station readings that triggered the inspection; and
  - e. If you determined that it is unsafe to inspect a portion of your site, you must describe the reason you found it to be unsafe and specify the locations to which this condition applies.
- 4.7.2** Each inspection report must be signed in accordance with Appendix I, Part I.11 of this permit.
- 4.7.3** You must keep a copy of all inspection reports at the site or at an easily accessible location, so that it can be made available at the time of an on-site inspection or upon request by EPA.
- 4.7.4** You must retain all inspection reports completed for this Part for at least three (3) years from the date that your permit coverage expires or is terminated.

#### **4.8 INSPECTIONS BY EPA**

You must allow EPA, or an authorized representative of EPA, to conduct the following activities at reasonable times. To the extent that you are utilizing shared controls that are

not on site to comply with this permit, you must make arrangements for EPA to have access at all reasonable times to those areas where the shared controls are located.

- 4.8.1** Enter onto all areas of the site, including any construction support activity areas covered by this permit, any off-site areas where shared controls are utilized to comply with this permit, discharge locations, adjoining waterbodies, and locations where records are kept under the conditions of this permit;
- 4.8.2** Access and copy any records that must be kept under the conditions of this permit;
- 4.8.3** Inspect your construction site, including any construction support activity areas covered by this permit (see Part 1.2.1c), any stormwater controls installed and maintained at the site, and any off-site shared controls utilized to comply with this permit; and
- 4.8.4** Sample or monitor for the purpose of ensuring compliance.

## **5 CORRECTIVE ACTIONS**

### **5.1 CONDITIONS TRIGGERING CORRECTIVE ACTION.**

You must take corrective action to address any of the following conditions identified at your site:

- 5.1.1** A stormwater control needs repair or replacement (beyond routine maintenance required under Part 2.1.4); or
- 5.1.2** A stormwater control necessary to comply with the requirements of this permit was never installed, or was installed incorrectly; or
- 5.1.3** Your discharges are causing an exceedance of applicable water quality standards; or
- 5.1.4** A prohibited discharge has occurred (see Part 1.3).

### **5.2 CORRECTIVE ACTION DEADLINES**

For any corrective action triggering conditions in Part 5.1, you must:

- 5.2.1** Immediately take all reasonable steps to address the condition, including cleaning up any contaminated surfaces so the material will not discharge in subsequent storm events;
- 5.2.2** When the problem does not require a new or replacement control or significant repair, the corrective action must be completed by the close of the next business day;
- 5.2.3** When the problem requires a new or replacement control or significant repair, install the new or modified control and make it operational, or complete the repair, by no later than seven (7) calendar days from the time of discovery. If it is infeasible to complete the installation or repair within seven (7) calendar days, you must document in your records why it is infeasible to complete the installation or repair within the 7-day timeframe and document your schedule for installing the stormwater control(s) and making it operational as soon as feasible after the 7-day timeframe. Where these actions result in changes to any of the stormwater controls or procedures documented in your SWPPP, you must modify your SWPPP accordingly within seven (7) calendar days of completing this work.

### **5.3 CORRECTIVE ACTION REQUIRED BY EPA**

You must comply with any corrective actions required by EPA as a result of permit violations found during an inspection carried out under Part 4.8.

### **5.4 CORRECTIVE ACTION REPORT**

For each corrective action taken in accordance with this Part, you must complete a report in accordance with the following:

- 5.4.1** Within 24 hours of identifying the corrective action condition, document the specific condition and the date and time it was identified.
- 5.4.2** Within 24 hours of completing the corrective action (in accordance with the deadlines in Part 5.2), document the actions taken to address the condition, including whether any SWPPP modifications are required.
- 5.4.3** Each corrective action report must be signed in accordance with Appendix I, Part I.11 of this permit.
- 5.4.4** You must keep a copy of all corrective action reports at the site or at an easily accessible location, so that it can be made available at the time of an on-site inspection or upon request by EPA.
- 5.4.5** You must retain all corrective action reports completed for this Part for at least three (3) years from the date that your permit coverage expires or is terminated.

## **6 STAFF TRAINING REQUIREMENTS**

Each operator, or group of multiple operators, must assemble a “stormwater team” to carry out compliance activities associated with the requirements in this permit.

- 6.1** Prior to the commencement of construction activities, you must ensure that the following personnel<sup>51</sup> on the stormwater team understand the requirements of this permit and their specific responsibilities with respect to those requirements:
  - a. Personnel who are responsible for the design, installation, maintenance, and/or repair of stormwater controls (including pollution prevention controls);
  - b. Personnel responsible for the application and storage of treatment chemicals (if applicable);
  - c. Personnel who are responsible for conducting inspections as required in Part 4.1; and
  - d. Personnel who are responsible for taking corrective actions as required in Part 5.
- 6.2** You are responsible for ensuring that all activities on the site comply with the requirements of this permit. You are not required to provide or document formal training for subcontractors or other outside service providers, but you must ensure that such personnel understand any requirements of this permit that may be affected by the work they are subcontracted to perform.

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<sup>51</sup> If the person requiring training is a new employee who starts after you commence construction activities, you must ensure that this person has the proper understanding as required above prior to assuming particular responsibilities related to compliance with this permit.

For emergency-related projects, the requirement to train personnel prior to commencement of construction activities does not apply, however, such personnel must have the required training prior to NOI submission.

- 6.3** At a minimum, members of the stormwater team must be trained to understand the following if related to the scope of their job duties (*e.g., only personnel responsible for conducting inspections need to understand how to conduct inspections*):
- a. The permit deadlines associated with installation, maintenance, and removal of stormwater controls and with stabilization;
  - b. The location of all stormwater controls on the site required by this permit and how they are to be maintained;
  - c. The proper procedures to follow with respect to the permit's pollution prevention requirements; and
  - d. When and how to conduct inspections, record applicable findings, and take corrective actions.
- 6.4** Each member of the stormwater team must have easy access to an electronic or paper copy of applicable portions of this permit, the most updated copy of your SWPPP, and other relevant documents or information that must be kept with the SWPPP.

## **7 STORMWATER POLLUTION PREVENTION PLAN (SWPPP)**

### **7.1 GENERAL REQUIREMENTS**

All operators associated with a construction site under this permit must develop a SWPPP consistent with the requirements in Part 7 prior to their submittal of the NOI.<sup>52, 53</sup> The SWPPP must be kept up-to-date throughout coverage under this permit.

If a SWPPP was prepared under a previous version of this permit, the operator must review and update the SWPPP to ensure that this permit's requirements are addressed prior to submitting an NOI for coverage under this permit.

### **7.2 SWPPP CONTENTS**

At a minimum, the SWPPP must include the information specified in this Part and as specified in other parts of this permit.

- 7.2.1 All Site Operators.** Include a list of all other operators who will be engaged in construction activities at the site, and the areas of the site over which each operator has control.
- 7.2.2 Stormwater Team.** Identify the personnel (by name or position) that are part of the stormwater team, as well as their individual responsibilities, including which members are responsible for conducting inspections.

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<sup>52</sup> The SWPPP does not establish the effluent limits and other permit terms and conditions that apply to your site's discharges; these limits, terms, and conditions are established in this permit.

Where there are multiple operators associated with the same site, they may develop a group SWPPP instead of multiple individual SWPPPs. Regardless of whether there is a group SWPPP or multiple individual SWPPPs, each operator is responsible for compliance with the permit's terms and conditions. In other words, if Operator A relies on Operator B to satisfy its permit obligations, Operator A does not have to duplicate those permit-related functions if Operator B is implementing them for both operators to be in compliance with the permit. However, Operator A remains responsible for permit compliance if Operator B fails to implement any measures necessary for Operator A to comply with the permit. In addition, all operators must ensure, either directly or through coordination with other operators, that their activities do not compromise any other operators' controls and/or any shared controls.

**7.2.3 Nature of Construction Activities.**<sup>54</sup> Include the following:

- a. A description of the nature of your construction activities, including the age or dates of past renovations for structures that are undergoing demolition;
- b. The size of the property (in acres or length in miles if a linear construction site);
- c. The total area expected to be disturbed by the construction activities (to the nearest quarter acre or nearest quarter mile if a linear construction site);
- d. A description of any on-site and off-site construction support activity areas covered by this permit (see Part 1.2.1 c);
- e. The maximum area expected to be disturbed at any one time, including on-site and off-site construction support activity areas;
- f. A description and projected schedule for the following:
  - i. Commencement of construction activities in each portion of the site, including clearing and grubbing, mass grading, demolition activities, site preparation (*i.e.*, *excavating, cutting and filling*), final grading, and creation of soil and vegetation stockpiles requiring stabilization;
  - ii. Temporary or permanent cessation of construction activities in each portion of the site;
  - iii. Temporary or final stabilization of exposed areas for each portion of the site; and
  - iv. Removal of temporary stormwater controls and construction equipment or vehicles, and the cessation of construction-related pollutant-generating activities.
- g. A list and description of all pollutant-generating activities<sup>55</sup> on the site. For each pollutant-generating activity, include an inventory of pollutants or pollutant constituents (*e.g.*, *sediment, fertilizers, pesticides, paints, caulks, sealants, fluorescent light ballasts, contaminated substrates, solvents, fuels*) associated with that activity, which could be discharged in stormwater from your construction site. You must take into account where potential spills and leaks could occur that contribute pollutants to stormwater discharges, and any known hazardous or toxic substances, such as PCBs and asbestos, that will be disturbed or removed during construction;
- h. Business days and hours for the project;
- i. If you are conducting construction activities in response to a public emergency (see Part 1.4), a description of the cause of the public emergency (*e.g.*, *mud slides, earthquake, extreme flooding conditions, widespread disruption in essential public services*), information substantiating its occurrence (*e.g.*, *state disaster declaration or similar state or local declaration*), and a description of the construction necessary to reestablish affected public services.

**7.2.4 Site Map.** Include a legible map, or series of maps, showing the following features of the site:

- a. Boundaries of the property;

<sup>54</sup> If plans change due to unforeseen circumstances or for other reasons, the requirement to describe the sequence and estimated dates of construction activities is not meant to "lock in" the operator to meeting these dates. When departures from initial projections are necessary, this should be documented in the SWPPP itself, or in associated records, as appropriate.

<sup>55</sup> Examples of pollutant-generating activities include paving operations; concrete, paint, and stucco washout and waste disposal; solid waste storage and disposal; and dewatering operations.

- b. Locations where construction activities will occur, including:
  - i. Locations where earth-disturbing activities will occur (note any phasing), including any demolition activities;
  - ii. Approximate slopes before and after major grading activities (note any steep slopes (as defined in Appendix A));
  - iii. Locations where sediment, soil, or other construction materials will be stockpiled;
  - iv. Any water of the U.S. crossings;
  - v. Designated points where vehicles will exit onto paved roads;
  - vi. Locations of structures and other impervious surfaces upon completion of construction; and
  - vii. Locations of on-site and off-site construction support activity areas covered by this permit (see Part 1.2.1c).
- c. Locations of all waters of the U.S. within and one mile downstream of the site's discharge point. Also identify if any are listed as impaired, or are identified as a Tier 2, Tier 2.5, or Tier 3 water;
- d. Areas of federally listed critical habitat within the site and/or at discharge locations;
- e. Type and extent of pre-construction cover on the site (e.g., vegetative cover, forest, pasture, pavement, structures);
- f. Drainage patterns of stormwater and authorized non-stormwater before and after major grading activities;
- g. Stormwater and authorized non-stormwater discharge locations, including:
  - i. Locations where stormwater and/or authorized non-stormwater will be discharged to storm drain inlets;<sup>56</sup> and
  - ii. Locations where stormwater or authorized non-stormwater will be discharged directly to waters of the U.S.
- h. Locations of all potential pollutant-generating activities identified in Part 7.2.3g;
- i. Locations of stormwater controls, including natural buffer areas and any shared controls utilized to comply with this permit; and
- j. Locations where polymers, flocculants, or other treatment chemicals will be used and stored.

**7.2.5 Non-Stormwater Discharges.** Identify all authorized non-stormwater discharges in Part 1.2.2 that will or may occur.

**7.2.6 Description of Stormwater Controls.**

- a. For each of the Part 2.2 erosion and sediment control effluent limits, Part 2.3 pollution prevention effluent limits, and Part 2.4 construction dewatering effluent limits, as applicable to your site, you must include the following:
  - i. A description of the specific control(s) to be implemented to meet the effluent limit;

<sup>56</sup> The requirement to show storm drain inlets in the immediate vicinity of the site on your site map only applies to those inlets that are easily identifiable from your site or from a publicly accessible area immediately adjacent to your site.

- ii. Any applicable stormwater control design specifications (including references to any manufacturer specifications and/or erosion and sediment control manuals/ordinances relied upon);<sup>57</sup>
  - iii. Routine stormwater control maintenance specifications; and
  - iv. The projected schedule for stormwater control installation/implementation.
- b. You must also include any of the following additional information as applicable.
- i. **Natural buffers and/or equivalent sediment controls** (see Part 2.2.1 and Appendix G). You must include the following:
    - (a) The compliance alternative to be implemented;
    - (b) If complying with alternative 2, the width of natural buffer retained;
    - (c) If complying with alternative 2 or 3, the erosion and sediment control(s) you will use to achieve an equivalent sediment reduction, and any information you relied upon to demonstrate the equivalency;
    - (d) If complying with alternative 3, a description of why it is infeasible for you to provide and maintain an undisturbed natural buffer of any size;
    - (e) For "linear construction sites" where it is infeasible to implement compliance alternative 1, 2, or 3, a rationale for this determination, and a description of any buffer width retained and/or supplemental erosion and sediment controls installed; and
    - (f) A description of any disturbances that are exempt under Part 2.2.1 that occur within 50 feet of a water of the U.S.
  - ii. **Perimeter controls for a "linear construction site"** (see Part 2.2.3). For areas where perimeter controls are not feasible, include documentation to support this determination and a description of the other practices that will be implemented to minimize discharges of pollutants in stormwater associated with construction activities.
 

Note: Routine maintenance specifications for perimeter controls documented in the SWPPP must include the Part 2.2.3a requirement that sediment be removed before it has accumulated to one-half of the above-ground height of any perimeter control.
  - iii. **Sediment track-out controls** (see Parts 2.2.4b and 2.2.4c). Document the specific stabilization techniques and/or controls that will be implemented to remove sediment prior to vehicle exit.
  - iv. **Sediment basins** (see Part 2.2.12). In circumstances where it is infeasible to utilize outlet structures that withdraw water from the surface, include documentation to support this determination, including the specific conditions or time periods when this exception will apply.
  - v. **Treatment chemicals** (see Part 2.2.13), you must include the following:
    - (a) A listing of the soil types that are expected to be exposed during construction in areas of the project that will drain to chemical treatment systems. Also include a listing of soil types expected to be found in fill material to be used in these same areas, to the extent you have this information prior to construction;

<sup>57</sup> Design specifications may be found in manufacturer specifications and/or in applicable erosion and sediment control manuals or ordinances. Any departures from such specifications must reflect good engineering practice and must be explained in the SWPPP.



- (b) A listing of all treatment chemicals to be used at the site and why the selection of these chemicals is suited to the soil characteristics of your site;
  - (c) If the applicable EPA Regional Office authorized you to use cationic treatment chemicals for sediment control, include the specific controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will not lead to an exceedance of water quality standards;
  - (d) The dosage of all treatment chemicals to be used at the site or the methodology to be used to determine dosage;
  - (e) Information from any applicable Safety Data Sheet (SDS);
  - (f) Schematic drawings of any chemically enhanced stormwater controls or chemical treatment systems to be used for application of the treatment chemicals;
  - (g) A description of how chemicals will be stored consistent with Part 2.2.13c;
  - (h) References to applicable state or local requirements affecting the use of treatment chemicals, and copies of applicable manufacturer's specifications regarding the use of your specific treatment chemicals and/or chemical treatment systems; and
  - (i) A description of the training that personnel who handle and apply chemicals have received prior to permit coverage, or will receive prior to use of the treatment chemicals at your site.
- vi. **Stabilization measures** (see Part 2.2.14). You must include the following:
- (a) The specific vegetative and/or non-vegetative practices that will be used;
  - (b) The stabilization deadline that will be met in accordance with Part 2.2.14.a.i-ii;
  - (c) If complying with the deadlines for sites in arid, semi-arid, or drought-stricken areas, the beginning and ending dates of the seasonally dry period and the schedule you will follow for initiating and completing vegetative stabilization; and
  - (d) If complying with deadlines for sites affected by unforeseen circumstances that delay the initiation and/or completion of vegetative stabilization, document the circumstances and the schedule for initiating and completing stabilization.
- vii. **Spill prevention and response procedures** (see Part 1.3.5 and Part 2.3). You must include the following:
- (a) Procedures for expeditiously stopping, containing, and cleaning up spills, leaks, and other releases. Identify the name or position of the employee(s) responsible for detection and response of spills or leaks; and
  - (b) Procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity consistent with Part 2.3.6 and established under either 40 CFR 110, 40 CFR 117, or 40 CFR 302, occurs during a 24-hour period. Contact information must be in locations that are readily accessible and available to all employees.

You may also reference the existence of Spill Prevention Control and

Countermeasure (SPCC) plans developed for the construction activity under Part 311 of the CWA, or spill control programs otherwise required by an NPDES permit for the construction activity, provided that you keep a copy of that other plan on site.<sup>58</sup>

- viii. **Waste management procedures** (see Part 2.3.3). Describe the procedures you will follow for handling, storing and disposing of all wastes generated at your site consistent with all applicable federal, state, tribal, and local requirements, including clearing and demolition debris, sediment removed from the site, construction and domestic waste, hazardous or toxic waste, and sanitary waste.
- ix. **Application of fertilizers** (see Part 2.3.5). Document any departures from the manufacturer specifications where appropriate.

**7.2.7 Procedures for Inspection, Maintenance, and Corrective Action.** Describe the procedures you will follow for maintaining your stormwater controls, conducting site inspections, and, where necessary, taking corrective actions, in accordance with Part 2.1.4, Part 4, and Part 5 of this permit. Also include:

- a. The inspection schedule you will follow, which is based on whether your site is subject to Part 4.2 or Part 4.3, or whether your site qualifies for any of the reduced inspection frequencies in Part 4.4;
- b. If you will be conducting inspections in accordance with the inspection schedule in Part 4.2.2, Part 4.3, or Part 4.4.1b, the location of the rain gauge or the address of the weather station you will be using to obtain rainfall data;
- c. If you will be reducing your inspection frequency in accordance with Part 4.4.1b, the beginning and ending dates of the seasonally defined arid period for your area or the valid period of drought;
- d. If you will be reducing your inspection frequency in accordance with Part 4.4.3, the beginning and ending dates of frozen conditions on your site; and
- e. Any maintenance or inspection checklists or other forms that will be used.

**7.2.8 Staff Training.** Include documentation that the required personnel were, or will be, trained in accordance with Part 6.

**7.2.9 Compliance with Other Requirements.**

- a. **Threatened and Endangered Species Protection.** Include documentation required in Appendix D supporting your eligibility with regard to the protection of threatened and endangered species and designated critical habitat.
- b. **Historic Properties.** Include documentation required in Appendix E supporting your eligibility with regard to the protection of historic properties.
- c. **Safe Drinking Water Act Underground Injection Control (UIC) Requirements for Certain Subsurface Stormwater Controls.** If you are using any of the following stormwater controls at your site, document any contact you have had with the applicable state agency<sup>59</sup> or EPA Regional Office responsible for implementing the requirements for underground injection wells in the Safe Drinking Water Act and EPA's implementing

<sup>58</sup> Even if you already have an SPCC or other spill prevention plan in existence, your plans will only be considered adequate if they meet all of the requirements of this Part, either as part of your existing plan or supplemented as part of the SWPPP.

<sup>59</sup> For state UIC program contacts, refer to the following EPA website: <https://www.epa.gov/uic>.

regulations at 40 CFR 144 -147. Such controls would generally be considered Class V UIC wells:

- i. Infiltration trenches (if stormwater is directed to any bored, drilled, driven shaft or dug hole that is deeper than its widest surface dimension, or has a subsurface fluid distribution system);
- ii. Commercially manufactured pre-cast or pre-built proprietary subsurface detention vaults, chambers, or other devices designed to capture and infiltrate stormwater flow; and
- iii. Drywells, seepage pits, or improved sinkholes (if stormwater is directed to any bored, drilled, driven shaft or dug hole that is deeper than its widest surface dimension, or has a subsurface fluid distribution system).

**7.2.10 SWPPP Certification.** You must sign and date your SWPPP in accordance with Appendix I, Part I.11.

**7.2.11 Post-Authorization Additions to the SWPPP.** Once you are authorized for coverage under this permit, you must include the following documents as part of your SWPPP:

- a. A copy of your NOI submitted to EPA along with any correspondence exchanged between you and EPA related to coverage under this permit;
- b. A copy of the acknowledgment letter you receive from NeT assigning your NPDES ID (*i.e.*, *permit tracking number*);
- c. A copy of this permit (an electronic copy easily available to the stormwater team is also acceptable).

### 7.3 ON-SITE AVAILABILITY OF YOUR SWPPP

You must keep a current copy of your SWPPP at the site or at an easily accessible location so that it can be made available at the time of an on-site inspection or upon request by EPA; a state, tribal, or local agency approving stormwater management plans; the operator of a storm sewer system receiving discharges from the site; or representatives of the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS).

EPA may provide access to portions of your SWPPP to a member of the public upon request. Confidential Business Information (CBI) will be withheld from the public, but may not be withheld from EPA, USFWS, or NMFS.<sup>60</sup>

If an on-site location is unavailable to keep the SWPPP when no personnel are present, notice of the plan's location must be posted near the main entrance of your construction site.

### 7.4 SWPPP MODIFICATIONS

<sup>60</sup> Information covered by a claim of confidentiality will be disclosed by EPA only to the extent of, and by means of, the procedures set forth in 40 CFR Part 2, Subpart B. In general, submitted information protected by a business confidentiality claim may be disclosed to other employees, officers, or authorized representatives of the United States concerned with implementing the CWA. The authorized representatives, including employees of other executive branch agencies, may review CBI during the course of reviewing draft regulations.

- 7.4.1** You must modify your SWPPP, including the site map(s), within seven (7) days of any of the following conditions:
- a. Whenever new operators become active in construction activities on your site, or you make changes to your construction plans, stormwater controls, or other activities at your site that are no longer accurately reflected in your SWPPP. This includes changes made in response to corrective actions triggered under Part 5. You do not need to modify your SWPPP if the estimated dates in Part 7.2.3f change during the course of construction;
  - b. To reflect areas on your site map where operational control has been transferred (and the date of transfer) since initiating permit coverage;
  - c. If inspections or investigations by EPA or its authorized representatives determine that SWPPP modifications are necessary for compliance with this permit;
  - d. Where EPA determines it is necessary to install and/or implement additional controls at your site in order to meet the requirements of this permit, the following must be included in your SWPPP:
    - i. A copy of any correspondence describing such measures and requirements; and
    - ii. A description of the controls that will be used to meet such requirements.
  - e. To reflect any revisions to applicable federal, state, tribal, or local requirements that affect the stormwater controls implemented at the site; and
  - f. If applicable, if a change in chemical treatment systems or chemically enhanced stormwater control is made, including use of a different treatment chemical, different dosage rate, or different area of application.
- 7.4.2** You must maintain records showing the dates of all SWPPP modifications. The records must include the name of the person authorizing each change (see Part 7.2.10 above) and a brief summary of all changes.
- 7.4.3** All modifications made to the SWPPP consistent with Part 7.4 must be authorized by a person identified in Appendix I, Part I.11.b.
- 7.4.4** Upon determining that a modification to your SWPPP is required, if there are multiple operators covered under this permit, you must immediately notify any operators who may be impacted by the change to the SWPPP.

## **8 HOW TO TERMINATE COVERAGE**

Until you terminate coverage under this permit, you must comply with all conditions and effluent limitations in the permit. To terminate permit coverage, you must submit to EPA a complete and accurate Notice of Termination (NOT), which certifies that you have met the requirements for terminating in Part 8.

### **8.1 MINIMUM INFORMATION REQUIRED IN NOT**

- 8.1.1** NPDES ID (*i.e.*, *permit tracking number*) provided by EPA when you received coverage under this permit;
- 8.1.2** Basis for submission of the NOT (see Part 8.2);
- 8.1.3** Operator contact information;
- 8.1.4** Name of site and address (or a description of location if no street address is available); and

**8.1.5** NOT certification.

**8.2 CONDITIONS FOR TERMINATING CGP COVERAGE**

You must terminate CGP coverage only if one or more of the following conditions has occurred:

**8.2.1** You have completed all construction activities at your site and, if applicable, construction support activities covered by this permit (see Part 1.2.1c), and you have met the following requirements:

- a. For any areas that (1) were disturbed during construction, (2) are not covered over by permanent structures, and (3) over which you had control during the construction activities, you have met the requirements for final vegetative or non-vegetative stabilization in Part 2.2.14b;
- b. You have removed and properly disposed of all construction materials, waste and waste handling devices, and have removed all equipment and vehicles that were used during construction, unless intended for long-term use following your termination of permit coverage;
- c. You have removed all stormwater controls that were installed and maintained during construction, except those that are intended for long-term use following your termination of permit coverage or those that are biodegradable; and
- d. You have removed all potential pollutants and pollutant-generating activities associated with construction, unless needed for long-term use following your termination of permit coverage; or

**8.2.2** You have transferred control of all areas of the site for which you are responsible under this permit to another operator, and that operator has submitted an NOI and obtained coverage under this permit; or

**8.2.3** Coverage under an individual or alternative general NPDES permit has been obtained.

**8.3 HOW TO SUBMIT YOUR NOT**

You must use EPA's NPDES eReporting Tool (NeT) to electronically prepare and submit your NOT for the 2017 CGP.

To access NeT, go to <https://www.epa.gov/npdes/stormwater-discharges-construction-activities#ereporting>.

Waivers from electronic reporting may be granted as specified in Part 1.4.1. If the EPA Regional Office grants you approval to use a paper NOT, and you elect to use it, you must complete the form in Appendix K.

**8.4 DEADLINE FOR SUBMITTING THE NOT**

You must submit your NOT within 30 calendar days after any one of the conditions in Part 8.2 occurs.

**8.5 EFFECTIVE DATE OF TERMINATION OF COVERAGE**

Your authorization to discharge under this permit terminates at midnight of the calendar day that a complete NOT is submitted to EPA.

## 9 PERMIT CONDITIONS APPLICABLE TO SPECIFIC STATES, INDIAN COUNTRY LANDS, OR TERRITORIES

The provisions in this Part provide modifications or additions to the applicable conditions of this permit to reflect specific additional conditions required as part of the state or tribal CWA Section 401 certification process, or the Coastal Zone Management Act (CZMA) certification process, or as otherwise established by the permitting authority. The specific additional revisions and requirements only apply to activities in those specific states, Indian country, and areas in certain states subject to construction projects by Federal Operators. States, Indian country, and areas subject to construction by Federal Operators not included in this Part do not have any modifications or additions to the applicable conditions of this permit.

### 9.1 EPA Region 1

#### 9.1.1 NHR100000 State of New Hampshire

- a. If you disturb 100,000 square feet or more of contiguous area, you must also apply for an Alteration of Terrain (AoT) permit from DES pursuant to RSA 485- A:17 and Env-Wq 1500. This requirement also applies to a lower disturbance threshold of 50,000 square feet or more when construction occurs within the protected shoreline under the Shoreland Water Quality Protection Act (see RSA 483-B and Env-Wq 1400). A permit application must also be filed if your project disturbs an area of greater than 2,500 square feet, is within 50 feet of any surface water, and has a flow path of 50 feet or longer disturbing a grade of 25 percent or greater. Project sites with disturbances smaller than those discussed above, that have the potential to adversely affect state surface waters, are subject to the conditions of an AoT General Permit by Rule.
- b. You must determine that any excavation dewatering discharges are not contaminated before they will be authorized as an allowable non-stormwater discharge under this permit (see Part 1.2.2). The water is considered uncontaminated if there is no groundwater contamination within 1,000 feet of the groundwater dewatering location. Information on groundwater contamination can be generated over the Internet via the NHDES web site <http://des.nh.gov/> by using the One Stop Data Mapper at <http://des.nh.gov/onestop/gis.htm>. If it is determined that the groundwater to be dewatered is near a remediation or other waste site you must apply for the Remediation General Permit (see <https://www3.epa.gov/region1/npdes/rgp.html>.)
- c. You must treat any uncontaminated excavation dewatering discharges as necessary to remove suspended solids and turbidity. The discharges must be sampled at least once per week during weeks when discharges occur. Samples must be analyzed for total suspended solids (TSS) or turbidity and must meet monthly average and daily maximum limits of 50 milligrams per liter (mg/L) and 100 mg/L, respectively for TSS or 33 mg/l and 67 mg/l, respectively for turbidity. TSS (a.k.a. Residue, Nonfilterable) or turbidity sampling and analysis must be performed in accordance with Tables IB and II in 40 CFR 136.3 ([http://www.ecfr.gov/cgi-bin/text-idx?SID=0243e3c4283cbd7d8257eb6afc7ce9a2&mc=true&node=se40.25.136\\_13&rgn=div8](http://www.ecfr.gov/cgi-bin/text-idx?SID=0243e3c4283cbd7d8257eb6afc7ce9a2&mc=true&node=se40.25.136_13&rgn=div8)). Records of any sampling and analysis must be maintained and kept with the SWPPP for at least three years after final site stabilization.
- d. Construction site owners and operators must consider opportunities for post-construction groundwater recharge using infiltration best management practices

(BMPs) during site design and preparation of the SWPPP. If your construction site is in a town that is required to obtain coverage under the NPDES General Permit for discharges from Municipal Separate Storm Sewer Systems (MS4) you may be required to use such practices. The SWPPP must include a description of any on-site infiltration that will be installed as a post-construction stormwater management measure or reasons for not employing such measures such as 1) The facility is located in a wellhead protection area as defined in RSA 485- C:2; or 2) The facility is located in an area where groundwater has been reclassified to GAA, GAI or GA2 pursuant to RSA 485-C and Env-DW 901; or 3) Any areas that would be exempt from the groundwater recharge requirements contained in Env-Wq 1507.04, including all land uses or activities considered to be a "High-load Area" (see Env-Wq 1502.30). For design considerations for infiltration measures see Env-Wq 1508.06.

- e. Appendix F contains a list of Tier 2, or high quality waters. Although there is no official list of tier 2 waters, it can be assumed that all NH surface waters are tier 2 for turbidity unless 1) the surface water that you are proposing to discharge into is listed as impaired for turbidity in the states listing of impaired waters (see Surface Water Quality - Watershed Report Cards at [http://des.nh.gov/organization/divisions/water/wmb/swqa/report\\_cards.htm](http://des.nh.gov/organization/divisions/water/wmb/swqa/report_cards.htm)) or 2) sampling upstream of the proposed discharge location shows turbidity values greater than 10 NTU. A single grab sample collected during dry weather (no precipitation within 48 hours) is acceptable.
- f. To ensure compliance with RSA 485-C, RSA 485-A, RSA 485-A:13, I(a), Env-Wq 1700 and Env-Wq 302, the following information may be requested by NHDES. This information must be kept on site unless you receive a written request from NHDES that it be sent to the address shown in Part 9.1.4 (g).
  - i. A site map required in Part 7.2.4, showing the type and location of all post-construction infiltration BMPs utilized at the facility or the reason(s) why none were installed;
  - ii. A list of all non-stormwater discharges that occur at the facility, including their source locations and the control measures being used (see Part 1.2.2).
  - iii. Records of sampling and analysis of TSS required for construction dewatering discharges (see Part 9.1.4 (c)).
- g. All required or requested documents must be sent to:

NH Department of Environmental Services, Wastewater Engineering Bureau,  
Permits & Compliance Section  
P.O. Box 95  
Concord, NH 03302-0095

#### **9.1.2 VTR10F000 Areas in the State of Vermont subject to construction by a Federal Operator**

- a. Earth disturbance at any one time is limited to five acres.
- b. All areas of earth disturbance must have temporary or final stabilization within 14 days of the initial disturbance. After this time, disturbed areas must be temporarily or permanently stabilized in advance of any runoff producing event. A runoff producing event is an event that produces runoff from the construction site. Temporary stabilization is not required if the work is occurring in a self-contained

excavation (i.e. no outlet) with a depth of two feet or greater (e.g. house foundation excavation, utility trenches). Areas of a construction site that drain to sediment basins are not considered eligible for this exemption, and the exemption applies only to the excavated area itself.

- c. The use of the cationic polymers is prohibited unless approved under a site-specific plan.
- d. Site inspections on active construction sites shall be conducted daily during the period from October 15 – April 15.
- e. Any applicant under EPA's CGP shall allow authorized Agency representatives, at reasonable times and upon presentation of credentials, to enter upon the project site for purposes of inspecting the project and determining compliance with this Certification.
- f. The Agency may reopen and alter or amend the conditions of this Certification over the life of the project when such action is necessary to assure compliance with the VWQS.

## 9.2 EPA Region 3

### 9.2.1 DCR100000 District of Columbia

- a. The permittee must comply with the District of Columbia Water Pollution Control Act of 1984, as amended, (D.C. Official Code § 8-103.01 et seq.) and its implementing regulations in Title 21, Chapters 11 and 19 of the District of Columbia Municipal Regulations. Nothing in this permit will be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to District of Columbia laws and regulations.
- b. The permittee must comply with the District of Columbia Stormwater Management, and Soil Erosion and Sediment Control in Chapter 5 of Title 21 of the District of Columbia Municipal Regulations.
- c. The permittee must comply with District of Columbia Flood Management control in Chapter 31 of Title 20 of the District of Columbia Municipal Regulations.
- d. The Department may request a copy of the Stormwater Pollution Prevention Plan (SWPPP) and the permittee is required to submit the SWPPP to the Department within 14 days of such request. The Department may conduct an inspection of any facility covered by this permit to ensure compliance with District's law requirements, including water quality standards. The Department may enforce its certification conditions.
- e. The Department may require the permittee to perform water quality monitoring during the permit term if monitoring is necessary for the protection of public health or the environment as designated under the authority in Chapter 19 of Title 21 of the District of Columbia Municipal Regulations.
- f. The Department may require the permittee to provide measurable verification of the effectiveness of Best Management Practices (BMPs) and other control measures used in the stormwater management program, including water quality monitoring.
- g. The Department has determined that compliance with this permit does not protect the permittee from enforcement actions deemed necessary by the Department



under its associated regulations to address an imminent threat to public health or a significant adverse environmental impact which results in a violation of the District of Columbia Water Pollution Control Act of 1984, as amended, (D.C. Official Code § 8-103.01 et seq.) and its implementing regulations.

- h. The Department reserves the right to modify this Section 401 Water Quality Certification if any changes, modifications, or deletions are made to this general permit. In addition, the Department reserves the right to add and/or alter the terms and conditions of this Section 401 Water Quality Certification to carry out its responsibilities during the term of this general permit with respect to water quality, including any revisions to District of Columbia Water Quality Standards in Chapter 11 of Title 21 of the District of Columbia Municipal Regulations.
- i. Should any violation of the District's Water Quality Standards, or the conditions of this Section 401 Water Quality Certification occur, the Department will direct the permittee to correct the violation(s). The Department has the right to take any action as authorized by the District laws and regulations to address the violations of this permit or the Water Pollution Control Act and implementing regulations. Substantial civil and criminal penalties are authorized for discharging into District waters in violation of an order or permit issued by the Department. This Section 401 Water Quality Certification does not relieve the permittee of the duty to comply with other applicable District's statutes and regulations.
- j. The permittee must submit copies of Notice of Intent (NOI) and Notice of Termination to DOEE at the same time these documents are submitted to EPA.
- k. The permittee shall allow DOEE to inspect any facilities, equipment, practices, or operations regulated or required under this permit and to access records maintained under the conditions of this permit.
- l. All required or requested documents shall be signed and sent to the: Department of Energy & Environment, 1200 First Street, N.E., 5th Floor, Washington, DC 20002, Attention: Associate Director, Inspection and Enforcement Division.

#### **9.2.2 DER10F000 Areas in the State of Delaware subject to construction by a Federal Operator**

- a. Federal agencies engaging in construction activities must submit, to DNREC, a sediment and stormwater management (S&S) plan and obtain approval from DNREC in accordance with 7 Del. C. §4010, 7 DE Admin. Code 5101, and 7 DE Admin. Code 7201.
- b. Federal agencies engaging in construction activities must provide for construction review by a certified construction reviewer in accordance with 7 Del. C. §§4010 & 4013 and 7 DE Admin. Code 5101, subsection 6.1.6.
- c. Federal agencies engaging in construction activities must certify that all responsible personnel involved in the construction project will have attended the blue card training prior to initiation of any land disturbing activity – see 7 Del. C. §§ 4002 & 4014 and 7 DE Admin. Code 5101.

### 9.3 EPA Region 5

#### 9.3.1 MNR10I000 Indian country within the State of Minnesota

##### 9.3.1.1 Fond du Lac Band of Lake Superior Chippewa. The following conditions apply only to discharges on the Fond du Lac Band of Lake Superior Chippewa Reservation:

- a. A copy of the Stormwater Pollution Prevention Plan (SWPPP) must be submitted to the Office of Water Protection at least fifteen (15) days in advance of sending the Notice of Intent (NOI) to EPA. The SWPPP can be submitted electronically to [richardgitar@FDLREZ.com](mailto:richardgitar@FDLREZ.com) or by hardcopy sent to:

Fond du Lac Reservation  
Office of Water Protection  
1720 Big Lake Road  
Cloquet, MN 55720

CGP applicants are encouraged to work with the FDL Office of Water Protection in the identification of all proposed receiving.

- b. Copies of the Notice of Intent (NOI) and the Notice of Termination (NOT) must be sent to the Fond du Lac Office of Water Protection at the same time they are submitted to EPA.
- c. The turbidity limit shall NOT exceed 10% of natural background within the receiving water(s) as determined by Office of Water Protection staff.
- d. Turbidity sampling must take place within 24 hours of a ½-inch or greater rainfall event. The results of the sampling must be reported to the Office of Water Protection within 7 days of the sample collection. All sample reporting must include the date and time, location (GPS: UTM/Zone 15), and NTU. CGP applicants are encouraged to work with the Office of Water Protection in determining the most appropriate location(s) for sampling.
- e. Receiving waters with open water must be sampled for turbidity prior to any authorized discharge as determined by Office of Water Protection staff. This requirement only applies to receiving waters in which no ambient turbidity data exists.
- f. This Certification does not pertain to any new discharge to Outstanding Reservation Resource Waters (ORRW) as described in § 105 b.3. of the Fond du Lac Water Quality Standards (Ordinance # 12/98, as amended). Although additional waters may be designated in the future, currently Perch Lake, Rice Portage Lake, Miller Lake, Deadfish Lake, and Jaskari Lake are designated as ORRWs. New dischargers wishing to discharge to an ORRW must obtain an individual permit from EPA for stormwater discharges from large and small construction activities.
- g. All work shall be carried out in such a manner as will prevent violations of water quality criteria as stated in the Water Quality Standards of the Fond du Lac Reservation, Ordinance 12/98, as amended. This includes, but is not limited to, the prevention of any discharge that causes a condition in which visible solids, bottom deposits, or turbidity impairs the usefulness of water of the Fond du Lac Reservation for any of the uses designated in the Water Quality Standards of the Fond du Lac Reservation. These uses include wildlife, aquatic life, warm water fisheries, cold water fisheries, subsistence fishing (netting), primary contact recreation, secondary

contact recreation, cultural, wild rice areas, aesthetic waters, agriculture, navigation, and commercial.

- h. Appropriate steps shall be taken to ensure that petroleum products or other chemical pollutants are prevented from entering waters of the Fond du Lac Reservation. All spills must be reported to the appropriate emergency management agency (National Response Center AND the State Duty Officer), and measures shall be taken immediately to prevent the pollution of waters of the Fond du Lac Reservation, including groundwater. The Fond du Lac Office of Water Protection must also be notified immediately of any spill regardless of size.
- i. This certification does not authorize impacts to cultural, historical, or archeological features or sites, or properties that may be eligible for such listing.

**9.3.1.2 Grand Portage Band of Lake Superior Chippewa.** The following conditions apply only to discharges on the Grand Portage Band of Lake Superior Chippewa Reservation:

- a. The CGP authorization is for construction activities that may occur within the exterior boundaries of the Grand Portage Reservation in accordance to the Grand Portage Land Use Ordinance. The CGP regulates stormwater discharges associated with construction sites of one acre or more in size. Only those activities specifically authorized by the CGP are authorized by this certification (the "Certification"). This Certification does not authorize impacts to cultural, historical, or archeological features or sites, or properties that may be eligible for listing as such.
- b. All construction stormwater discharges authorized by the CGP must comply with the Water Quality Standards and Water Resources Ordinance, as well as Applicable Federal Standards (as defined in the Water Resources Ordinance). As such, appropriate steps must be taken to ensure that petroleum products or other chemical pollutants are prevented from entering the Waters of the Reservation (as defined in the Water Resources Ordinance). All spills must be reported to the appropriate emergency-management agency, and measures must be taken to prevent the pollution of the Waters of the Reservation, including groundwater.
- c. The 2017 CGP requires inspections and monitoring reports of the construction site stormwater discharges by a qualified person. Monitoring and inspection reports must comply with the minimum requirements contained in the 2017 CGP. The monitoring plan must be prepared and incorporated into the Stormwater Pollution Prevention Plan (the "SWPPP"). A copy of the SWPPP must be submitted to the Board at least 30 days in advance of sending the requisite Notice of Intent to EPA. The SWPPP should be sent to:

Grand Portage Environmental Resources Board  
P.O. Box 428  
Grand Portage, MN 55605

Copies of the Notice of Intent and Notice of Termination required under the CGP must be submitted to the Board at the address above at the same time they are submitted to the EPA.

- d. If requested by the Grand Portage Environmental Department, the permittee must provide additional information necessary for a case-by-case eligibility determination to assure compliance with the Water Quality Standards and any Applicable Federal Standards.

- e. Discharges that the Board has determined to be or that may reasonably be expected to be contributing to a violation of Water Quality Standards or Applicable Federal Standards are not authorized by this Certification.
- f. The Board retains full authority provided by the Water Resources Ordinance to ensure compliance with and to enforce the provisions of the Water Resource Ordinance and Water Quality Standards, Applicable Federal Standards, and these Certification conditions.
- g. Appeals related to Board actions taken in accordance with any of the preceding conditions may be heard by the Grand Portage Tribal Court.

**9.3.2 WIR10I000 Indian country within the State of Wisconsin, except the Sokaogon Chippewa (Mole Lake) Community**

**9.3.2.1 Bad River Band of Lake Superior Tribe of Chippewa Indians:** The following conditions apply only to discharges on the Bad River Band of the Lake Superior Tribe of Chippewa Indians Reservation:

- a. Only those activities specifically authorized by the CGP are authorized by this Certification. This Certification does not authorize impacts to cultural properties, or historical sites, or properties that may be eligible for listing as such.<sup>61, 62</sup>
- b. All projects which are eligible for coverage under the CGP and are located within the exterior boundaries of the Bad River Reservation shall be implemented in such a manner that is consistent with the Tribe's Water Quality Standards (WQS) in order to protect Reservations waters that may be impacted by stormwater discharge including embankments, outlets, adjacent streambanks, slopes, and downstream waters.<sup>63</sup>
- c. Operators are not eligible to obtain authorization under the CGP for all new discharges to an Outstanding Tribal Resource Water (or Tier 3 water).<sup>64</sup> Outstanding Tribal Resource Waters, or Tier 3 waters, include the following: Kakagon Slough and the lower wetland reaches of its tributaries that support wild rice, Kakagon River, Bad River Slough, Honest John Lake, Bog Lake, a portion of Bad River, from where it enters the Reservation through the confluence with the White River, and Potato River.<sup>65</sup>
- d. An operator proposing to discharge to an Outstanding Resource Water (or Tier 2.5 water) under the CGP must comply with the antidegradation provisions of the Tribe's WQS. Outstanding Resource Waters, or Tier 2.5 waters, include the following: a portion of Bad River, from downstream the confluence with the White River to Lake Superior, White River, Marengo River, Graveyard Creek, Bear Trap Creek, Wood Creek, Brunsweller River, Tyler Forks, Bell Creek, and Vaughn Creek.<sup>66</sup> The antidegradation demonstration materials described in provision E.4.iii. must be submitted to the following address:

<sup>61</sup> Bad River Band of Lake Superior Tribe of Chippewa Indians Water Quality Standards adopted by Resolution No. 7-6-11-441 (hereafter, Tribe's WQS).

<sup>62</sup> 36 C.F.R. § 800.16(l)(2).

<sup>63</sup> See footnote 61.

<sup>64</sup> Tribe's WQS: See provisions E.3.ii. and E.4.iv.

<sup>65</sup> Tribe's WQS: See provision E.2.iii.

<sup>66</sup> Tribe's WQS: See provision E.2.ii.

Bad River Tribe's Natural Resources Department  
Attn: Water Resources Specialist  
P.O. Box 39  
Odanah, WI 54861

- e. An operator proposing to discharge to an Exceptional Resource Water (or Tier 2 water) under the CGP must comply with the antidegradation provisions of the Tribe's WQS. Exceptional Resource Waters, or Tier 2 waters, include the following: any surface water within the exterior boundaries of the Reservation that is not specifically classified as an Outstanding Resource Water (Tier 2.5 water) or an Outstanding Tribal Resource Water (Tier 3 water).<sup>67</sup> The antidegradation demonstration materials described in provision E.4.ii. must be submitted to the following address:

Bad River Tribe's Natural Resources Department  
Attn: Water Resources Specialist  
P.O. Box 39  
Odanah, WI 54861

- f. Projects utilizing cationic treatment chemicals<sup>68</sup> within the Bad River Reservation boundaries are not eligible for coverage under the CGP.<sup>69</sup>
- g. A discharge to a surface water within the Bad River Reservation boundaries shall not cause or contribute to an exceedance of the turbidity criterion included in the Tribe's WQS, which states: Turbidity shall not exceed 5 NTU over natural background turbidity when the background turbidity is 50 NTU or less, or turbidity shall not increase more than 10% when the background turbidity is more than 50 NTU.<sup>70</sup>
- h. All projects which are eligible for coverage under the CGP within the exterior boundaries of the Bad River Reservation must comply with the Bad River Reservation Wetland and Watercourse Protection Ordinance, or Chapter 323 of the Bad River Tribal Ordinances, including the erosion and sedimentation control, natural buffer, and stabilization requirements. Questions regarding Chapter 323 and requests for permit applications can be directed to the Wetlands Specialist in the Tribe's Natural Resources Department at (715) 682-7123 or [wetlands@badriver-nsn.gov](mailto:wetlands@badriver-nsn.gov).
- i. An operator of a project, which is eligible for coverage under the CGP, that would result in an allowable discharge under the CGP occurring within the exterior boundaries of the Bad River Reservation must notify the Tribe prior to the commencing earth-disturbing activities.<sup>71, 72</sup> The operator must submit a copy of the Notice of Intent (NOI) to the following addresses at the same time it is submitted to the U.S. EPA:

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<sup>67</sup> Tribe's WQS: See provision E.2.i.

<sup>68</sup> See definition of cationic treatment chemicals in Appendix A of the CGP.

<sup>69</sup> Tribe's WQS: See provisions E.6.ii.a. and E.6.ii.c.

<sup>70</sup> Tribe's WQS: See provision E.7.iii.

<sup>71</sup> See footnote 61.

<sup>72</sup> See footnote 62.

Bad River Tribe's Natural Resources Department  
Attn: Water Resources Specialist  
P.O. Box 39  
Odanah, WI 54861

Bad River Tribe's Natural Resources Department  
Attn: Tribal Historic Preservation Officer (THPO)  
P.O. Box 39  
Odanah, WI 54861

The operator must also submit a copy of the Notice of Termination (NOT) to the above addresses at the same time it is submitted to the U.S. EPA.

- j. The Tribal Historic Preservation Officer (THPO) must be provided 30 days to comment on the project.<sup>73</sup>
- k. The operator must obtain THPO concurrence in writing. This written concurrence will outline measures to be taken to prevent or mitigate effects to historic properties. For more information regarding the specifics of the cultural resources process, see 36 CFR Part 800. A best practice for an operator is to consult with the THPO during the planning stages of an undertaking.<sup>74</sup>
- l. An operator of a project, which is eligible for coverage under the CGP, that would result in an allowable discharge under the CGP occurring within the exterior boundaries of the Bad River Reservation must submit a copy of the Stormwater Pollution Prevention Plan (SWPPP) to the following address at the same time as submitting the NOI:<sup>75</sup>

Bad River Tribe's Natural Resources Department  
Attn: Water Resources Specialist  
P.O. Box 39  
Odanah, WI 54861

- m. Any corrective action reports that are required under the CGP must be submitted to the following address within one (1) working day of the report completion:<sup>76</sup>

Bad River Tribe's Natural Resources Department  
P.O. Box 39  
Odanah, WI 54861

- n. An operator shall be responsible for meeting any additional permit requirements imposed by the U.S. EPA necessary to comply with the Tribe's antidegradation policies if the discharge point is located upstream of waters designated by the Tribe.<sup>77</sup>

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<sup>73</sup> 36 C.F.R. § 800.3(c)(4).

<sup>74</sup> 36 C.F.R. § 800.3(b).

<sup>75</sup> See footnote 61.

<sup>76</sup> See footnote 61.

<sup>77</sup> See footnote 61.

**9.3.2.2 Lac du Flambeau Band of Lake Superior Tribe of Chippewa Indians:** The following conditions apply only to discharges on the Lac du Flambeau Band of the Lake Superior Tribe of Chippewa Indians Reservation:

- a. A copy of the Stormwater Pollution Prevention Plan must be submitted to the following office, for the Tribal environmental review process, at least thirty (30) days in advance of sending the Notice of Intent (NOI) to EPA:

Lac du Flambeau  
Tribal Land Management  
P.O. Box 279  
Lac du Flambeau, WI 54538

CGP applicants are encouraged to work with the LdF Water Resources Program in the identification of all proposed receiving waters.

- b. Copies of the NOI and the Notice of Termination (NOT) must be sent to the LdF Water Resources Program at the same time they are submitted to EPA.
- c. All work shall be carried out in such a manner as will prevent violations of water quality criteria as stated in the Water Quality Standards of the Lac du Flambeau Reservation. This includes, but is not limited to, the prevention of any discharge that cause a condition in which visible solids, bottom deposits, or turbidity impairs the usefulness of water of the Lac du Flambeau Reservation for any of the uses designated in the Water Quality Standards of the Lac du Flambeau Reservation.
- d. Appropriate steps shall be taken to ensure that petroleum products or other chemical pollutants are prevented from entering waters of the Lac du Flambeau Reservation. All spills must be reported to the appropriate emergency management agency, and measures shall be taken immediately to prevent the pollution of waters of the Lac du Flambeau reservation, including groundwater.
- e. This certification does not authorize impacts to cultural, historical, or archeological features or sites, or properties that may be eligible for such listing.
- f. Due to the significant ecological and cultural importance of the Lac du Flambeau Reservation, any operator requesting a permit for a point source discharge of pollutants (i.e., discharge) associated with the Stormwater Discharge will need a stormwater pollution prevention plan in place that does not violate Lac du Flambeau Water Quality Standards to protect Reservation Waters.

## **9.4 EPA Region 6**

### **9.4.1 NMR100000 State of New Mexico, except Indian country**

- a. If construction dewatering activities are anticipated at a site, permittees must complete the following steps:
  - i. Investigative information must be documented in the facility SWPPP.
  - ii. Refer to the GWQB Mapper at <https://gis.web.env.nm.gov/GWQB/> AND the PSTB Mapper (Go Mapper) at <https://gis.web.env.nm.gov/GoNM/>

and check if the following sources are located within the noted distance from your anticipated construct site groundwater dewatering activity:

<b>Project Location Relative to a Source of Potential Groundwater Contamination</b>	<b>Constituents likely to be required for testing</b>
<i>Within 0.5 mile of an open Leaking Underground Storage Tank (LUST) site</i>	<i>BTEX (Benzene, Toluene, Ethylbenzene, and Xylene) plus additional parameters depending on site conditions.*</i>
<i>Within 0.5 mile of an open Voluntary Remediation site</i>	<i>All parameters listed in Appendix A (or an alternate list approved by the NMED SWQB)**</i>
<i>Within 0.5 mile of an open RCRA Corrective Action Site</i>	
<i>Within 0.5 mile of an open Abatement Site</i>	
<i>Within 0.5 mile of an open Brownfield Site</i>	
<i>Within 1.0 mile or more of a Superfund site or National Priorities List (NPL) site with associated groundwater contamination.</i>	

\*For further assistance determining whether dewatering may encounter impacted groundwater, the permittee may contact the NMED Ground Water Quality Bureau at: 505-827-2965.

\*\*EPA approved-sufficiently sensitive methods must be used - approved methods are listed in 40 CFR Part 136.3.

- ii. Indicate on the NOI that dewatering activities are anticipated. Provide information on flow and potential to encounter impacted groundwater.
  - iii. Permittee must test the quality of the groundwater according to the chart above. Hardness and pH must also be measured.
  - iv. Permittee must send test result data to EPA Region 6 and the NMED Surface Water Quality Bureau. If the test data exceed standards, it cannot be discharged from the construction site into surface waters under this permit. Discharge to surface waters must be conducted under a separate NPDES individual permit to ensure proper treatment and disposal.
  - v. If disposal will be to the ground surface or in an unlined pond, the permittee must submit an NOI to the NMED Ground Water Quality Bureau.
- b. Operators are not eligible to obtain authorization under this permit for all new and existing storm water discharges to outstanding national resource waters (ONRWs) (also referred to as "Tier 3" waters.)
- c. Operators who intend to obtain authorization under this permit for new and existing storm water discharges from construction sites must satisfy the following condition:
- i. The SWPPP must include site-specific interim and permanent stabilization, managerial, and structural solids, erosion and sediment control best management practices (BMPs) and/or other controls that are designed to prevent to the maximum extent practicable an increase in the sediment yield and flow velocity from pre-construction, pre-development conditions to assure that applicable standards in 20.6.4.NMAC, including the antidegradation policy, or TMDL waste load allocations (WLAs) are met. This requirement applies to discharges both during construction and after construction operations have been completed. The SWPPP must identify



and document the rationale for selecting these BMPs and/or other controls. The SWPPP must also describe design specifications, construction specifications, maintenance schedules (including a long term maintenance plan), criteria for inspections, and expected performance and longevity of these BMPs. For sites greater than 5 acres in size, BMP selection must be made based on the use of appropriate soil loss prediction models (i.e. SEDCAD, RUSLE, SEDIMOT, MULTISED, etc.) OR equivalent generally accepted (by professional erosion control specialists) soil loss prediction tools.

- ii. For all sites, the operator(s) must demonstrate, and include documentation in the SWPPP, that implementation of the site-specific practices will assure that the applicable standards or TMDL WLAs are met, and will result in sediment yields and flow velocities that, to the maximum extent practicable, will not be greater than the sediment yield levels and flow velocities from preconstruction, pre-development conditions.
  - iii. All SWPPPs must be prepared in accordance with good engineering practices by qualified (e.g. CPESC certified, engineers with appropriate training) erosion control specialists familiar with the use of soil loss prediction models and design of erosion and sediment control systems based on these models (or equivalent soil loss prediction tools). Qualifications of the preparer (e.g., professional certifications, description of appropriate training) must be documented in the SWPPP. The operator(s) must design, implement, and maintain BMPs in the manner specified in the SWPPP.
- d. Permittees can call 505-827-9329 for emergencies at any time and 505-476-6000 for non-emergencies during business hours from 5am-5pm, Monday through Friday.

**9.4.2 NMR10I000 Indian country within the State of New Mexico, except Navajo Reservation Lands that are covered under Arizona permit AZR10I000 and Ute Mountain Reservation Lands that are covered under Colorado permit COR10I000.**

**9.4.2.1 Pueblo of Isleta.** The following conditions apply only to discharges on the Pueblo of Isleta Reservation:

- a. CGP at 1.3 Prohibited discharges: Stormwater discharges associated with construction activity that EPA or the Pueblo of Isleta, prior to authorization under this permit, determines will cause, have the reasonable potential to cause, or may reasonably be expected to contribute to a violation or excursion of any applicable water quality standard, including the antidegradation policy, or the impairment of a designated use of receiving waters are not authorized by this permit.
- b. CGP at 1.4.1 How to Submit Your NOI: The operator shall provide a copy of the Notice of Intent ("NOI") to the Pueblo of Isleta at the same time it is submitted to the U.S. Environmental Protection Agency, for projects occurring within the exterior boundaries of the Pueblo of Isleta. The operator shall also notify the Pueblo of Isleta when it has submitted the Notice of Termination ("NOT"). The NOI and NOT shall be sent to the Pueblo of Isleta at the following address:

Water Quality Control Officer  
Pueblo of Isleta  
Environment Department  
PO Box 1270

Isleta, NM 87022  
(505) 869-9819  
E-mail: [POI36871@isletapueblo.com](mailto:POI36871@isletapueblo.com)

Overnight/Express Mail Delivery  
Pueblo of Isleta  
Environment Department  
6 Sagebrush St.  
Albuquerque, NM 87105

- c. CGP at 1.5 Requirement to post a notice of your permit coverage: Amend to read: "You must post a sign or other notice of your permit coverage at a safe, publicly accessible location in close proximity to the construction site. The notice must be located so that it is visible from the public road or tribal road that is nearest to the active part of the construction site..."
- d. CGP at 7.2.6 Description of stormwater controls: The SWPPP will be considered to be incomplete if the operator has not coordinated requirements under this Part with the Pueblo of Isleta Environment Department.
- e. CGP I.12.6.1 at pg.I-6 of 8. The Pueblo of Isleta requests notification within 10 hours (rather than 24 hrs.) if health or the environment become endangered.
- f. CGP at I.12.2 Anticipated noncompliance: Amend to read: "You must give advance notice to EPA and the Pueblo of Isleta at the address indicated in 1.4.1(a) of any planned changes in the permitted facility or activity which may results in noncompliance with permit requirements."
- g. CGP at I.12.6.1: Any noncompliance for projects within the exterior boundaries of the Pueblo of Isleta which may endanger health or the environment shall be reported directly to the EPA Regional Office [(see contacts at <https://www2.epa.gov/national-pollutant-discharge-elimination-system-npdes/contact-us-stormwater#regional>)] and to the Pueblo of Isleta Water Quality Control Officer. Any information must be provided orally with n 12 hours of the time you become aware of the circumstances. Other requirements of this Part for a written submission apply. Electronic communication (E-mail) shall be provided as soon as practical. Verbal notice shall be provided to:

Water Quality Control Officer  
Pueblo of Isleta  
E-mail: [POI36871@isletapueblo.com](mailto:POI36871@isletapueblo.com)  
(505) 869-9819  
(505) 917-8346 mobile  
(505) 869-3030 Police Dispatch

- h. CGP at 2.2 Erosion and sediment control requirements: Erosion and sediment controls shall be designed to retain sediment on-site.
- i. CGP at 2.2 Under Sediment control requirements, Standard Permit Condition Duty to Mitigate Volumes of sediment at or over (five) 5 cubic yards must be removed and placed for disposal within a tribally approved sediment Disposal Site, located on Pueblo of Isleta lands. CGP 2.2 at pg. 8.
- j. Under Minimize erosion, a permittee must secure permission from the Pueblo or affected Pueblo of Isleta land assignment owner if a dissipation device needs to

be placed up- or down- elevation of a given construction site. CGP 2.2.11 at pg. 11.

- k. CGP at 2.3.6 Emergency spill notification requirements: You must notify the Pueblo of Isleta Water Quality Control Officer and National Response Center (NRC) [at (800) 424-8802 or, in the Washington, DC metropolitan area, call (202) 267-2675 in accordance with the requirements of 40 CFR 110, 40 CFR 117, and 40 CFR 302] as soon as you have knowledge of the release. Verbal and electronic notice shall be provided as specified in I.12.6.1
- l. CGP at C.3 Equivalent analysis waiver: Parties wishing to apply for an Equivalent Analysis Waiver (see Appendix D, Section C) must provide a copy of the waiver analysis to the Pueblo of Isleta Water Quality Control Officer at the address indicated in 1.4.1 (a).

**9.4.2.2 Pueblo of Sandia.** The following conditions apply only to discharges on the Pueblo of Sandia Reservation:

- a. Only those activities specifically authorized by the CGP are authorized by the Pueblo of Sandia's Water Quality certification. The Pueblo of Sandia's Water Quality Certification does not authorize impact to cultural properties, historical sites or properties that may be eligible as such.
- b. Copies of all Notices of Intent (NOI) submitted to the EPA must also be sent concurrently to the Pueblo of Sandia at the following address. Discharges are not authorized by this permit unless an accurate and complete NOI has been submitted to the Pueblo of Sandia, either by mail or electronically.

Regular U.S. Delivery Mail:

Pueblo of Sandia Environment Department  
 Attention: Scott Bulgrin, Water Quality Manager  
 481 Sandia Loop  
 Bernalillo, New Mexico 87004

Electronically:

sbulgrin@sandiapueblo.nsn.us

- c. Any correspondences between the applicant and EPA related to analytical data, written reports, corrective action, enforcement, monitoring, or an adverse incident written reports should likewise be routed to the Pueblo of Sandia at the above address.
- d. The Stormwater Pollution Prevention Plan (SWPPP) must be available to the Pueblo of Sandia Environment Department either electronically or hard copy upon request for review. The SWPPP must be made available at least fourteen (14) days before construction begins. The fourteen (14) day period will give Pueblo staff time to become familiar with the project site, prepare for construction site inspections, and determine compliance with the Pueblo of Sandia Water Quality Standards. Failure to provide a SWPPP to the Pueblo of Sandia may result in the delay or denial of the construction project.
- e. If requested by the Pueblo of Sandia Environment Department, the permittee must provide additional information necessary for a case-by-case eligibility determination to assure compliance with the Pueblo of Sandia Water Quality Standards and/or applicable Federal Standards not authorized by this certification.
- f. An "Authorization to Proceed Letter" with site specific mitigation requirements may

be sent out to the permittee when a review of the NOI and SWPPP, on a case-by-case basis is completed by the Pueblo of Sandia Environment Department. This approval will allow the application to proceed if all mitigation requirements are met.

- g. The Pueblo of Sandia will not allow Small construction Waivers (Appendix C) or the Rainfall Erosivity Waiver (Appendix C.1) to be granted for any small construction activities.
- h. Before submitting a Notice of Termination (NOT) to the EPA, permittees must clearly demonstrate to the Pueblo of Sandia Environment Department through a site visit or documentation that requirements for site stabilization have been met and any temporary erosion control structures have been removed. A short letter stating the NOT is acceptable and all requirements have been met will be sent to the permittee to add to the permittee's NOT submission to EPA.
- i. Copies of all NOT submitted to the EPA must also be sent concurrently to the Pueblo of Sandia through the mail or electronically.

Regular U.S. Delivery Mail:

Pueblo of Sandia Environment Department  
 Attention: Scott Bulgrin, Water Quality Manager  
 481 Sandia Loop  
 Bernalillo, New Mexico 87004

Electronically:

sbulgrin@sandiapueblo.nsn.us

- j. The Pueblo of Sandia may require the permittee to perform water quality monitoring for pH, turbidity, and total suspended solids (TSS) during the permit term if the discharge is to a surface water leading to the Rio Grande for the protection of public health and the environment.

**9.4.2.3 Pueblo of Santa Ana.** The following conditions apply only to discharges on the Pueblo of Santa Ana Reservation:

- a. The permittee shall provide a copy of the Notice of Intent (NOI) to the Pueblo of Santa Ana (the Pueblo), at the same time it is submitted to the U.S. Environmental Protection Agency (EPA), for projects with discharges onto the lands of the Pueblo as defined in the Pueblo's antidegradation policy within the Pueblo of Santa Ana Water Quality Standards.
- b. The permittee shall provide a final copy of the Stormwater Pollution Prevention Plan (SWPPP) to the Pueblo that is associated with any project identified in the NOI, at the same time that an NOI is submitted to the EPA. The SWPPP should include any projects with discharges onto the lands of the Pueblo as defined in

the antidegradation policy within the Pueblo of Santa Ana Water Quality Standards.

- c. The operator shall provide copies of inspections reports and of corrective action reports to the Pueblo at the address below for review, upon request.
- d. Upon completion of the project identified in the NOI, the permittee will submit a Notice of Termination (NOT) to the Pueblo.
- e. All required or requested permittee specific information identified above shall be submitted to the following address:

Pueblo of Santa Ana Department of Natural Resources,  
Attention: Water Resources Division  
2 Dove Road  
Santa Ana Pueblo, NM 87004

- f. Discharges are not authorized by permittee unless an accurate and complete NOI and SWPPP have been submitted to the Pueblo. Failure to provide an accurate and complete NOI and SWPPP may result in a denial of the discharge permit or a delay in groundbreaking or construction.
- g. The permittee will not proceed with site work until authorized by the Pueblo. The Pueblo requires review of the complete and final SWPPP before authorization to proceed. The Pueblo will provide an "Authorization to Process" notice after review and approval of the SWPPP.
- h. The permittee could be required to perform water quality monitoring, sampling or analysis during the active permit dates for constituents determined by the Pueblo.
- i. Before submitting a NOT, permittees must certify to the Pueblo's Department of Natural Resources in writing that requirements for site stabilization have been met, and any temporary erosion control structures have been removed. Documentation of the Pueblo's review that such requirements have been reviewed and met will be provided for the permittee to add to the permittee's NOT submission to EPA. Copies of all NOT submitted to the EPA must also be sent to the Pueblo at the address provided above.

**9.4.2.4 Pueblo of Santa Clara.** The following conditions apply only to discharges on the Pueblo of Santa Clara Reservation:

- a. The operator must provide a copy of the Notice of Intent (NOI) and Notice of Termination (NOT) to the Santa Clara Pueblo Governor's Office at the same time it is provided to the US Environmental Protection Agency.
- b. A copy of the Storm water Pollution Prevention Plan shall be made available to the Pueblo of Santa Clara staff upon request.

**9.4.2.5 Pueblo of Tesuque.** The following conditions apply only to discharges on the Pueblo of Tesuque Reservation:

- a. Based on the Section 401 Certification provisions within the CWA, no discharges that will exceed or cause the exceedance of the Pueblo of Tesuque Water Quality Standards will be allowed within the boundaries of the Pueblo of Tesuque.
- b. The operator shall provide a copy of the Notice of Intent (NOI) to the Pueblo of Tesuque Governor's Office in care of the Department of Environmental and Natural Resources (DENR) at the same time it is submitted to the Environmental

Protection Agency, for projects occurring within the boundaries of Tesuque tribal lands. The operator shall also notify the Pueblo of Tesuque Governor's Office in care of the DENR when it submits the Notice of Termination (NOT), but not before the DENR post-construction inspection has been completed as described below. The NOI and NOT shall be sent to the following address:

Pueblo of Tesuque  
Office of the Governor  
Attn: DENR  
20 TP828 Administration Bldg.  
Santa Fe, NM 87506-5512

Alternatively, the operator may arrange with DENR to email the documents.

- c. The operator shall also provide a copy of the Stormwater Pollution Prevention Plan, copies of inspection reports, and copies of corrective action reports to the DENR.
- d. Construction requiring this permit will not commence until the above document submissions have been made and DENR provides the operator with notice to proceed. Operators will not demobilize until DENR personnel inspect the site for completion of stabilization. Once the inspection has taken place and all SWPPP-related work has been completed to the satisfaction of DENR, the operator will submit its NOT as described above and then demobilize.

**9.4.2.6 Taos Pueblo.** The following conditions apply only to discharges on the Taos Pueblo Reservation:

- a. The operator shall provide a copy of the Notice of Intent (NOI) to the Taos Pueblo Governor's Office, War Chief's Office and Environmental Office, at the same time it is submitted to the U.S. Environmental Protection Agency, for projects occurring within the exterior boundaries of Taos Pueblo. The operator shall also notify Taos Pueblo when it has submitted the Notice of Termination (NOT). The NOI and NOT shall be sent to the Taos Pueblo at the following addresses:
  - i. Taos Pueblo Governor's Office  
P.O. Box 1846  
Taos NM 87571
  - ii. Taos Pueblo War Chief's Office  
P.O. Box 2596  
Taos NM 87571
  - iii. Environmental Office  
Attn: Program Manager  
P.O. Box 1846  
Taos NM 87571

- b. Taos Pueblo requests that in the event Indian artifacts or human remains are inadvertently discovered on projects occurring near or on Taos Pueblo lands that consultation with the tribal Governor's Office occur at the earliest possible time.
- c. The operator shall provide a copy of the Stormwater Pollution Prevention Plan, copies of inspections reports, and copies of corrective action reports to staff in the Taos Pueblo Environmental Office for review and copy, upon request.

**9.4.2.7 Ohkay Owingeh.** The following conditions apply only to discharges on the Ohkay Owingeh Reservation:

- a. Prior to commencement of any construction activity on Ohkay Owingeh Lands requiring permit coverage under EPA's Construction General Permit, the operator(s) shall submit to Ohkay Owingeh Office of Environmental Affairs, a copy of the electronic "Notice of Intent," submitted to the Environmental Protection Agency, immediately following EPA's electronic notification that the NOI has been received. A copy of the Stormwater Pollution Prevention Plan(s) must be made available to the Ohkay Owingeh Office of Environmental Affairs upon the tribe's request either electronically or hard copy. Operator(s) shall also submit to Ohkay Owingeh Office of Environmental Affairs a copy of the electronic Notice of Termination (NOT) submitted to the Environmental Protection Agency. Documents shall be submitted to Ohkay Owingeh at the following address:

Ohkay Owingeh Office of Environment Affairs  
Attention: Environmental Programs Manager  
P.O. Box 717  
Ohkay Owingeh, New Mexico 87566  
Office # 505.852.4212  
Fax # 505.852.1432  
Electronic mail: [naomi.archuleta@ohkay.org](mailto:naomi.archuleta@ohkay.org)

- b. Ohkay Owingeh will not allow the Rainfall Erosivity Waivers (see Appendix C) to be granted for any small construction activities.
- c. All vegetation used to prevent soil loss, seeding or planting of the disturbed area(s) to meet the vegetative stabilization requirements must utilize native seeds/vegetation commonly known to the area. All temporary erosion control structures, such as silt fences must be removed as soon as stabilization requirements are met.

**9.4.2.8 Pueblo of Laguna.** The following conditions apply only to discharges on the Pueblo of Laguna Reservation:

- a. The operator must provide a paper and electronic copy of the Notice of Intent (NOI) and Notice of Termination (NOT) to the Pueblo of Laguna at the same time it is provided to the U.S. Environmental Protection Agency. The NOI and NOT should be provided to the following address:

Pueblo of Laguna, Office of the Governor  
Attn: Environmental & Natural Resources Department  
P.O. Box 194  
Laguna, NM 87026  
Email: [setter@pol-nsn.gov](mailto:setter@pol-nsn.gov)

- b. The operator must provide an electronic copy of the Storm Water Pollution

Prevention Plan to the Pueblo of Laguna Environmental Program at the same time the NOI is submitted to the above listed email addresses. Any correspondences between the applicant and EPA related to analytical data, written reports, corrective action, enforcement, monitoring, or an adverse incident written reports threshold likewise be routed to the Pueblo of Laguna Environmental Program.

- c. Immediate initiation of consultation with the Pueblo of Laguna is required should any human remains or artifacts be unearthed during the project that fall under the Native American Graves Protection and Repatriation Act guidelines. If human remains are unearthed, contact the Pueblo of Laguna Police Department at 505.552.6666. If artifacts are unearthed, contact the Pueblo of Laguna Tribal Historic Preservation Office at 505.552.5033.

**9.4.2.9 Picuris Pueblo.** The following conditions apply only to discharges on the Picuris Pueblo Reservation:

- a. The operator, landowner and construction operators doing earth-disturbance work must meet the definition of "operator" under the Construction General Permit (CGP), and must provide an electronic and paper copy of the Notice of Intent (NOI) and Notice of Termination (NOT) to **both** The Office of the Picuris Pueblo Governor and the Picuris Pueblo Environmental Department at the same time it is provided to the U.S. Environmental Protection Agency (USEPA). The NOI and NOT should be provided to the following address:

Picuris Pueblo  
The Office of the Governor  
PO BOX 127  
Penasco, NM 87553  
575-587-2519  
575-587-1071 (Fax)  
Governor: [governor@picurispueblo.org](mailto:governor@picurispueblo.org)

Picuris Pueblo Environmental Department  
PO BOX 158  
Penasco, NM 87553  
575-587-0110  
575-587-0223 (Fax)  
Environmental Director: [environment@picurispueblo.org](mailto:environment@picurispueblo.org)

- b. The operator must provide an electronic copy of the Storm Water Pollution Prevention Plan to the Picuris Pueblo Environmental Department at least 30 days prior to submitting the NOI to USEPA and the Picuris Pueblo by email to Picuris Pueblo Environmental Department: [environment@picurispueblo.org](mailto:environment@picurispueblo.org).

**9.4.2.10 Pueblo of Pojoaque.** The following conditions apply only to discharges on the Pueblo of Pojoaque Reservation:

- a. The operator, landowner and construction operators doing earth-disturbance work must meet the definition of "operator" under the CGP and must provide a copy of the Notice of Intent (NOI) to the Pueblo of Pojoaque Governor's Office and Environmental Department within 3 days following U.S. Environmental Protection Agency's electronic confirmation that the NOI was certified and submitted and is undergoing its 14-day review period. Additionally, a copy of the Notice of Termination (NOT) must be provided the same day electronic confirmation is



received from the U.S. Environmental Protection Agency that the NOT has been accepted. The NOI and NOT should be provided to the following address:

Pueblo of Pojoaque  
Office of the Governor  
78 Cities of Gold Road  
Santa Fe, NM 87506

Pueblo of Pojoaque  
Environmental Department  
39 Camino Del Rincon  
Santa Fe, NM 87506

- b. The operator must provide an electronic copy of the Stormwater Pollution Prevention Plans to the Pueblo of Pojoaque Environmental Department by email to Adam L Duran ([aduran@pojoaque.org](mailto:aduran@pojoaque.org)) at least 30 days prior to submitting the NOI to EPA and the Pueblo of Pojoaque.

**9.4.2.11 Nambe Pueblo.** The following conditions apply only to discharges on Nambe Pueblo:

- a. The operator must provide a copy of the Notice of Intent (NOI) and Notice of Termination (NOT) to the Nambe Pueblo Governor's Office at the same time it is provided to the US Environmental Protection Agency. The NOI and NOT should be provided to the following address:

Office of the Governor  
Nambe Pueblo  
15A NP102 WEST  
Nambe Pueblo, NM 87506

- b. The operator must provide a copy of the Stormwater Pollution Prevention Plan to Nambe Pueblo at the same time it is submitted to the EPA, either by email to [srydeen@nambepueblo.org](mailto:srydeen@nambepueblo.org) or mailed to the above address.

**9.4.3 OKR10I000 Indian country within the State of Oklahoma**

**9.4.3.1 Pawnee Nation.** The following conditions apply only to discharges within Pawnee Indian country:

- a. Copies of the Notice of Intent (NOI) and Notice of Termination (NOT) must be provided to the Pawnee Nation at the same time it is submitted to the Environmental Protection Agency to the following address:

Pawnee Nation Department of Environmental Conservation and Safety  
P.O. Box 470  
Pawnee, OK 74058  
Or email to [mmatlock@pawneenation.org](mailto:mmatlock@pawneenation.org)

- b. The Storm Water Pollution Prevention Plan must be available to Departmental inspectors upon request.
- c. The Department must be notified at 918-762-3655 immediately upon discovery of any noncompliance with any provision of the permit conditions.

**9.4.4 OKR10F000 Discharges in the State of Oklahoma that are not under the authority of the Oklahoma Department of Environmental Quality, including activities associated with oil and gas exploration, drilling, operations, and pipelines (includes SIC Groups 13 and 46, and SIC codes 492 and 5171), and point source discharges associated with agricultural production, services, and silviculture (includes SIC Groups 01, 02, 07, 08, 09).**

- a. For activities located within the watershed of any Oklahoma Scenic River, including the Illinois River, Flint Creek, Barren Fork Creek, Upper Mountain Fork, Little Lee Creek, and Lee Creek or any water or watershed designated "ORW" in Oklahoma's Water Quality Standards, this permit may only be used to authorize discharges from temporary construction activities. Certification is denied for any on-going activities such as sand and gravel mining or any other mineral mining.
- b. For activities located within the watershed of any Oklahoma Scenic River, including the Illinois River, Flint Creek, Barren Fork Creek, Upper Mountain Fork, Little Lee Creek, and Lee Creek or any water or watershed designated "ORW" in Oklahoma's Water Quality Standards, certification is denied for any discharges originating from support activities, including concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, or borrow areas.
- c. In order to comply with Oklahoma's Water Quality Standards, these conditions and restrictions also apply to any construction projects located wholly or partially on Indian Country lands within the State of Oklahoma.

**9.5 EPA Region 8**

**9.5.1 COR10I000 Indian country within the State of Colorado, as well as the portion of the Ute Mountain Reservation located in New Mexico.**

**9.5.1.1 The Ute Mountain Ute Tribe.** The following conditions apply only to discharges on the Ute Mountain Ute Reservation.

- a. Permittees must send the Stormwater Pollution Prevention Plan (SWPPP) to the Tribal Environmental Department for review and approval at least 30 days before construction starts.
- b. Before submitting the Notice of Termination (NOT), permittees must clearly demonstrate to the Tribal Environmental Department during an on-site inspection that requirements for site stabilization have been met.
- c. The permittee must send a copy of the Notice of Intent (NOI) and the Tribal Environmental Department.
- d. Permittees may submit their SWPPPs and NOI and NOT requests electronically to: [clarrick@utemountain.org](mailto:clarrick@utemountain.org).
- e. Written NOIs, SWPPPs, and NOTs may be mailed to:

Colin Larrick, Water Quality Program Manager  
Ute Mountain Ute Tribe  
Environmental Department  
P.O. Box 448  
Towaoc, CO 81334

**9.5.2 MTR10I000 Indian country within the State of Montana**

**9.5.2.1 The Confederated Salish and Kootenai Tribes of the Flathead Nation.** The following conditions apply only to discharges on the Confederated Salish and Kootenai Tribes of the Flathead Nation Reservation:

- a. Permittees must submit the Stormwater Pollution Prevention Plan (SWPPP) to the Confederated Salish and Kootenai Tribes at least 30 days before construction starts.
- b. Before submitting the Notice of Termination (NOT), permittees must clearly demonstrate to an appointed Tribal staff person during an onsite inspection that requirements for site stabilization have been met.
- c. The permittee must send a copy of the Notice of Intent (NOI) and the NOT to CSKT.
- d. Permittees may submit their SWPPPs, NOIs and NOTs electronically to:  
[clintf@cskt.org](mailto:clintf@cskt.org).
- e. Written SWPPPs, NOIs and NOTs may be mailed to:

Clint Folden, Water Quality Regulatory Specialist  
Confederated Salish and Kootenai Tribes  
Natural Resources Department  
P.O. Box 278  
Pablo, MT 59855

**9.6 EPA Region 9**

**9.6.1 AZR10I000 Indian Country within the state of Arizona, as well as Navajo Nation lands in New Mexico and Utah**

**9.6.1.1 Navajo Nation.** The following conditions apply only to discharges on the Navajo Nation reservation:

- a. Courtesy copies of Notice of Intent and stormwater pollution prevention plans shall be made available to Navajo EPA.
- b. Copies of all monitoring reports must be provided to Navajo EPA.
- c. Facilities covered under the CGP will be subject to compliance inspections by Navajo EPA staff with active Federal Inspector Credentials under the authority of the Clean Water Act.
- d. Specific awareness and adherence to Sections 201 – Anti-degradation Policy, 203 – Narrative WQS, and 207.H – Turbidity.

**9.6.2 CAR10I000 Indian country within the State of California**

**9.6.2.1 Twenty-Nine Palms Band of Mission Indians.** The following conditions apply only to discharges on the Twenty-Nine Palms Band of Mission Indians Reservation:

- a. At the time the applicant submits its Notice of Intent (NOI) to the EPA, the applicant must concurrently submit written notification of the NOI and a copy of the Stormwater Pollution Prevention Plan (SWPPP) to the Twenty-Nine Palms Band of Mission Indians at the address below:

Tribal Environmental Coordinator  
Twenty-Nine Palms Band of Mission Indians  
46-200 Harrison Place

Coachella, CA 92236

- b. The applicant must also concurrently submit to the Tribal Environmental Coordinator written notification of any other forms or information submitted to the EPA, including waivers, reporting, and Notice of Termination (NOT).
- c. Permitted entities under the CGP must keep the Tribal EPA informed of authorized discharges under the CGP by submitting written information about the type, quantity, frequency and location, intended purpose, and potential human health and/or environmental effects of their activities. These requirements are pursuant to Section 4 of the Twenty-Nine Palms Band of Mission Indians Water Pollution Control Ordinance (022405A). This information may be submitted to Tribal EPA in the form of Stormwater Pollution Prevention Plans (SWPPPs), monitoring reports, or other reports as required under the CGP. Spills, leaks, or unpermitted discharges must be reported in writing to Tribal EPA within 24 hours of the incident.

**9.6.2.2 Morongo Band of Mission Indians.** The following conditions apply only to discharges on the Morongo Band of Mission Indians Reservation:

- a. This certification does not exempt, and is provisional upon compliance with, other applicable statutes and codes administered by federal and tribal agencies. Pursuant to the Morongo Band of Mission Indians Surface Water Quality Protection Ordinance (Ordinance 39), all unpermitted discharges must be reported to the Morongo Band of Mission Indians Environmental Protection Department (Morongo EPD) within 24 hours of the incident.
- b. Each operator shall submit a signed hard copy of the Notice of Intent (NOI) and stormwater pollution prevention plan (SWPPP) to the Morongo EPD at the same time it is submitted electronically to the EPA.
- c. The operator shall allow the Morongo EPD or its designee to inspect and sample at the construction site as needed.

Correspondence should be submitted to:

Morongo Band of Mission Indians  
Environmental Protection Department  
12700 Pumarra Road  
Banning, CA 92220  
Phone: (951) 755-5128  
Email: [epd@morongo-nsn.gov](mailto:epd@morongo-nsn.gov)

**9.6.3 GUR100000 Island of Guam.** The following conditions apply only to discharges on the Island of Guam:

- a. Any earth-moving operations which require a permit must be obtained from the Department of Public Works (DPW) with clearance approval from various Government of Guam Agencies including Guam EPA prior to the start of any earth-moving activity.
- b. In the event that the construction sites are within the Guam Sole Source Aquifer, the construction site owner and operator must consider opportunities to facilitate groundwater recharge for construction and post-construction implementing infiltration Best Management Practices. Stormwater disposal systems shall be designed and operated within the boundaries of the project. Stormwater systems shall not be permitted within any Wellhead Protection Zone unless the discharge meets the Guam Water Quality Standards within the zone. Waters discharged

within the identified category G-2 recharge zone shall receive treatment to the degree required to protect the drinking water quality prior to it entering the category G-1 resource zone.

- c. All conditions and requirements set forth in the 22 Guam Administrative Rules and Regulations (GARR), Division II, Water Control, Chapter 10, Guam Soil Erosion and Sediment Control Regulations (GSESCR) that are more protective than the CGP regarding construction activities must be complied with.
- d. All standards and requirements set forth in the 22 GARR, Division II, Water Control, Chapter 5, *Guam Water Quality Standards (GWQS) 2001 Revisions*, must be complied with to include reporting GWQS exceedance to Guam EPA.
- e. All operators/owners of any property development or earth moving activities shall comply with the erosion control pre-construction and post-construction BMP design performance standards and criteria set forth in the 2006 CNMI and Guam Stormwater Management Manual.
- f. All conditions and requirements regarding dewatering activities set forth in 22 Guam Administrative Rules and Regulations Chapter 7, Water Resources Development and Operating Regulations must be complied with to include securing permits with Guam EPA prior to the start of any dewatering activities.
- g. If a project to be developed is covered under the Federal Stormwater Regulations (40 CFR Parts 122 & 123), a Notice of Intent (NOI) to discharge stormwater to the surface and marine waters of Guam must be submitted to the U.S. EPA and a copy furnished to Guam EPA, pursuant to Section 10, 104(B)(5)(d) 22GAR, Division II, Chapter 10.
- h. Guam EPA shall apply the Buffer Requirements listed in Appendix G of the CGP NPDES Permit for construction activities as it pertains to Waters of the U.S. in Guam. Guam EPA shall also apply the same buffer requirements for sinkholes in Guam.
- i. When Guam EPA, through its permit review process, identifies that the proposed construction activity is close proximity to marine waters, contractors and owners will be informed that any activity that may impair water quality are required to stop during peak coral spawning periods as per the Guam Coral Spawning Construction Moratoriums.
- j. The Proposed Construction General Permit must set appropriate measures and conditions to protect Guam's Threatened and Endangered Species and Outstanding Resource Waters of exceptional recreational or ecological significance as determined by the Guam EPA Administrator as per *Guam Water Quality Standards 2001 Revisions*, §5102, Categories of Waters, D. Outstanding Resource Waters.
- k. When Guam EPA through its permit review process identifies that proposed construction activity is in close proximity to any Section 303d impaired waters, which includes marine waters and surface waters, shall ensure that construction activity does not increase the impaired water's ambient parameters.
- l. When Rainfall Erosivity and TMDL Waivers reflected in the CGP, Appendix C, are submitted to the U.S. EPA, Guam EPA will review waivers on a project by project basis.
- m. Prior to submission of the Notice of Termination (NOT) to the U.S. EPA, permittees must clearly demonstrate to Guam EPA that the project site has met all soil

stabilization requirements and removal of any temporary erosion control as outlined in the GSESCR.

## 9.7 EPA Region 10

### 9.7.1 IDR100000 State of Idaho, except Indian country

- a. Idaho's Antidegradation Policy. The WQS contain an antidegradation policy providing three levels of protection to water bodies in Idaho (IDAPA 58.01.02.051).
1. Tier I Protection. The first level of protection applies to all water bodies subject to Clean Water Act jurisdiction and ensures that existing uses of a water body and the level of water quality necessary to protect those existing uses will be maintained and protected (IDAPA 58.01.02.051.01; 58.01.02.052.01). Additionally, a Tier 1 review is performed for all new or reissued permits or licenses (IDAPA 58.01.02.052.05).
  2. Tier II Protection. The second level of protection applies to those water bodies considered high quality and ensures that no lowering of water quality will be allowed unless deemed necessary to accommodate important economic or social development (IDAPA 58.01.02.051.02; 58.01.02.052.08).
  3. Tier III Protection. The third level of protection applies to water bodies that have been designated outstanding resource waters and requires that activities not cause a lowering of water quality (IDAPA 58.01.02.051.03; 58.01.02.052.09).

DEQ is employing a water body by water body approach to implementing Idaho's antidegradation policy. This approach means that any water body fully supporting its beneficial uses will be considered high quality (IDAPA 58.01.02.052.05.a). Any water body not fully supporting its beneficial uses will be provided Tier I protection for that use, unless specific circumstances warranting Tier II protection are met (IDAPA 58.01.02.052.05.c). The most recent federally approved Integrated Report and supporting data are used to determine support status and the tier of protection (IDAPA 58.01.02.052.05).

- b. Pollutants of Concern. The primary pollutants of concern associated with stormwater discharges from construction activities are sediment, typically measured as total suspended solids and turbidity. Other potential pollutants include the following: phosphorus, nitrogen, pesticides, organics, metals, PCBs, petroleum products, construction chemicals, and solid wastes.
- c. Receiving Water Body Level of Protection. The CGP provides coverage to construction activities throughout the entire State of Idaho. Because of the statewide applicability, all of the jurisdictional waters within Idaho could potentially receive discharges either directly or indirectly from activities covered under the CGP. DEQ applies a water body by water body approach to determine the level of antidegradation a water body will receive.

All waters in Idaho that receive discharges from activities authorized under the CGP will receive, at minimum Tier I antidegradation protection because Idaho's antidegradation policy applies to all waters of the state. Water bodies that fully support their aquatic life or recreational uses are considered to be *high quality waters* and will receive Tier II antidegradation protection.

Although Idaho does not currently have any Tier III designated outstanding resource waters (ORWs) designated, it is possible for a water body to be designated as an ORW during the life of the CGP. Because of this potential, the antidegradation review also assesses whether the permit complies with the

outstanding resource water requirements of Idaho's antidegradation policy.

To determine the support status of the receiving water body, persons filing a Notice of Intent (NOI) for coverage under this general permit must use the most recent EPA-approved Integrated Report, available on Idaho DEQ's website:

<http://www.deq.idaho.gov/water-quality/surface-water/monitoring-assessment/integrated-report/>.

High quality waters are identified in Categories 1 and 2 of the Integrated Report. If a water body is in either Category 1 or 2, it is a Tier II water body.

Unassessed waters are identified as Category 3 of DEQ's Integrated Report. These waters require a case-by-case determination to be made by DEQ based on available information at the time of the application for permit coverage. If a water body is unassessed, the applicant is directed to contact DEQ for assistance in filing the NOI.

Impaired waters are identified in Categories 4 and 5 of the Integrated Report. Category 4(a) contains impaired waters for which a TMDL has been approved by EPA. Category 4(b) contains impaired waters for which controls other than a TMDL have been approved by EPA. Category 5 contains waters which have been identified as "impaired," for which a TMDL is needed. These waters are Tier I waters, for the use which is impaired. With the exception, if the aquatic life uses are impaired for any of these three pollutants—dissolved oxygen, pH, or temperature—and the biological or aquatic habitat parameters show a health, balanced biological community, then the water body shall receive Tier II protection, in addition to Tier I protection, for aquatic life uses (IDAPA 58.01.02.052.05.c.i.).

DEQ's webpage also has a link to the state's map-based Integrated Report which presents information from the Integrated Report in a searchable, map-based format: <http://www.deq.idaho.gov/assistance-resources/maps-data/>.

Water bodies can be in multiple categories for different causes. If assistance is needed in using these tools, or if additional information/clarification regarding the support status of the receiving water body is desired, the operator is directed to make contact with the appropriate DEQ regional office of the State office in the table below:

<b>Regional and State Office</b>	<b>Address</b>	<b>Phone Number</b>	<b>Email</b>
Boise	1445 N. Orchard Rd., Boise 83706	208-373-0550	<a href="mailto:Kati.carberry@deq.idaho.gov">Kati.carberry@deq.idaho.gov</a>
Coeur d'Alene	2110 Ironwood Parkway, Coeur D'Alene 83814	208-769-1422	<a href="mailto:June.bergquist@deq.idaho.gov">June.bergquist@deq.idaho.gov</a>
Idaho Falls	900 N. Skyline, Suite B., Idaho Falls 83402	208-528-2650	<a href="mailto:Troy.saffie@deq.idaho.gov">Troy.saffie@deq.idaho.gov</a>

Lewiston	1118 "F" St., Lewiston 83501	208-799- 4370	<a href="mailto:Mark.sellet@deq.idaho.gov">Mark.sellet@deq.idaho.gov</a>
Pocatello	444 Hospital way, #300 Pocatello 83201	208-236- 6160	<a href="mailto:Lynn.vanevery@deq.idaho.gov">Lynn.vanevery@deq.idaho.gov</a>
Twin Falls	650 Addison Ave., W., Suite 110, Twin Falls 83301	208-736- 2190	<a href="mailto:Balthasar.buhidar@deq.idaho.gov">Balthasar.buhidar@deq.idaho.gov</a>
State Office	1410 N. Hilton Rd., Boise 83706	208-373- 0502	<a href="mailto:Nicole.deinarowicz@deq.idaho.gov">Nicole.deinarowicz@deq.idaho.gov</a>

- d. *Turbidity Monitoring.* The permittee must conduct turbidity monitoring during construction activities and thereafter on days where there is a direct discharge of pollutants from an unstabilized portion of the site which is causing a visible plume to a water of the U.S.

A properly and regularly calibrated turbidimeter is required for measurements analyzed in the field (preferred method), but grab samples may be collected and taken to a laboratory for analysis. If the permittee can demonstrate that there will be no direct discharge from the construction site, then turbidity monitoring is not required. When monitoring is required, a sample must be taken at an undisturbed area immediately upstream of the project area to establish background turbidity levels for the monitoring event. Background turbidity, location, date and time must be recorded prior to monitoring downstream of the project area. A sample must also be taken immediately downstream from any point of discharge and *within* any visible plume. The turbidity, location, date and time must be recorded. The downstream sample must be taken immediately following the upstream sample in order to obtain meaningful and representative results.

Results from the compliance point sampling or observation<sup>78</sup> must be compared to the background levels to determine whether project activities are causing an exceedance of state WQS. If the downstream turbidity is 50 NTUs or more than the upstream turbidity, then the project is causing an exceedance of WQS. Any exceedance of the turbidity standard must be reporting to the appropriate DEQ regional office within 24 hours. The following six (6) steps should be followed to ensure compliance with the turbidity standard:

1. If a visible plume is observed, quantify the plume by collecting turbidity measurements from within the plume and compare the results to Idaho's instantaneous numeric turbidity criterion (50 NTU over the background).

<sup>78</sup> A visual observation is only acceptable to determine whether BMPs are functioning properly. If a plume is observed, the project may be causing an exceedance of WQS and the permittee must collect turbidity data and inspect the condition of the projects BMPs. If the BMPs appear to be functioning to their fullest capability and the turbidity is 50 NTUs or more than the upstream turbidity, then the permittee must modify the activity or implement additional BMPs (this may also include modifying existing BMPs).



2. If turbidity is less than 50 NTU instantaneously over the background turbidity; continue monitoring as long as the plume is visible. If turbidity exceeds background turbidity by more than 50 NTU instantaneously then stop all earth disturbing construction activities and proceed to step 3.
3. Take immediate action to address the cause of the exceedance. That may include inspection the condition of project BMPs. If the BMPs are functioning to their fullest capability, then the permittee must modify project activities and/or BMPs to correct the exceedance.
4. Notify the appropriate DEQ regional office within 24 hours.
5. Possibly increase monitoring frequency until state water quality standards are met.
6. Continue earth disturbing construction activities once turbidity readings return to within 50 NTU instantaneously and 25 NTU for more than ten consecutive days over the background turbidity.

Copies of daily logs for turbidity monitoring must be available to DEQ upon request. The report must describe all exceedances and subsequent actions taken, including the effectiveness of the action.

- e. Reporting of Discharges Containing Hazardous Materials or Petroleum Products. All spills of hazardous material, deleterious material or petroleum products which may impact waters (ground and surface) of the state shall be immediately reported. Call 911 if immediate assistance is required to control, contain or clean up the spill. If no assistance is needed in cleaning up the spill, contact the appropriate DEQ regional office in the table below during normal working hours or Idaho State Communications Center after normal working hours. If the spilled volume is above federal reportable quantities, contact the National Repose Center.

For immediate assistance: Call 911

National Response Center: (800) 424-8802

Idaho State Communications Center: (208) 632-8000

Regional office	Toll Free Phone Number	Phone Number
Boise	888-800-3480	208-373-0321
Coeur d'Alene	877-370-0017	208-769-1422
Idaho Falls	800-232-4635	208-528-2650
Lewiston	977-547-3304	208-799-4370
Pocatello	888-655-6160	208-236-6160
Twin Falls	800-270-1663	208-736-2190

**9.7.2 IDR10I000 Indian country within the State of Idaho, except Duck Valley Reservation lands (see Region 9)**

**9.7.2.1 Shoshone-Bannock Tribes.** The following conditions apply only to discharges on the Shoshone-Bannock Reservation:

- f. Each operator shall submit a signed hard copy of the Notice of Intent (NOI) to the Shoshone-Bannock Tribes Water Resources Department at the same time it is

submitted electronically to the Environmental Protection Agency (EPA) and shall provide the Shoshone-Bannock Tribes Water Resources Department the acknowledgement of receipt of the NOI from the EPA within 7 calendar days of receipt from the EPA.

**9.7.3 WAR10F000 Areas in the State of Washington, except those located on Indian country, subject to construction activity by a Federal Operator.** The following conditions apply only to discharges on federal facilities in the State of Washington:

- a. Discharges shall not cause or contribute to a violation of surface water quality standards (Chapter 173-201A WAC), groundwater quality standards (Chapter 173-200 WAC), sediment management standards (Chapter 173-204 WAC), and human health-based criteria in the National Toxics Rule (40 CFR Part 131.36). Discharges that are not in compliance with these standards are not authorized.
- b. Prior to the discharge of stormwater and non-storm water to waters of the State, the Permittee must apply all known, available, and reasonable methods of prevention, control, and treatment (AKART). This includes the preparation and implementation of an adequate SWPPP, with all appropriate BMPs installed and maintained in accordance with the SWPPP and the terms and conditions of this permit.
- c. Permittees who discharge to segments of waterbodies listed as impaired by the State of Washington under Section 303(d) of the Clean Water Act for turbidity, fine sediment, phosphorus, or pH must comply with the following numeric effluent limits:

Parameter Identified in 303(d) Listing	Parameter Sampled	Unit	Analytical Method	Numeric Effluent Limit
<ul style="list-style-type: none"> <li>• Turbidity</li> <li>• Fine Sediment</li> <li>• Phosphorus</li> </ul>	Turbidity	NTU	SM2130 or EPA 180.1	25 NTUs at the point where the stormwater is discharged from the site.
High pH	pH	Su	pH meter	In the range of 6.5 – 8.5

- d. All references and requirements associated with Section 303(d) of the Clean Water Act mean the most current EPA approved listing of impaired waters that exists on February 16, 2017, or the date when the operator's complete permit application is received by EPA, whichever is later.
- e. Discharges to waterbodies subject to an applicable Total Maximum Daily Load (TMDL) for turbidity, fine sediment, high pH, or phosphorus, shall be consistent with the assumptions and requirements of the TMDL.
  - i. Where an applicable TMDL sets specific waste load allocations or requirements for discharges covered by this permit, discharges shall be consistent with any specific waste load allocations or requirements establish by the applicable TMDL.
  - ii. Where an applicable TMDL has established a general waste load allocation for construction stormwater discharges, but no specific requirements have been identified, compliance with this permit will be assumed to be consistent with the approved TMDL.

- iii. Where an applicable TMDL has not specified a waste load allocation for construction stormwater discharges, but has not excluded these discharges, compliance with this permit will be assumed to be consistent with the approved TMDL.
- iv. Where an applicable TMDL specifically precludes or prohibits discharges from construction activity, the operator is not eligible for coverage under this permit.
- v. Applicable TMDL means a TMDL for turbidity, fine sediment, high pH, or phosphorus, which has been completed and approved by EPA prior to February 16, 2017, or prior to the date the operator's complete NOI is received by EPA, whichever is later.

**9.7.4 WAR10I000 Indian country within the State of Washington**

**9.7.4.1 Confederated Tribes of the Colville Reservation.** The following conditions apply only to discharges on the Colville Indian Reservation (CIR) and on other Tribal trust lands or allotments of the Confederated Tribes of the Colville Reservation:

- a. A copy of the Stormwater Pollution Prevention Plan must be submitted to the following office at least thirty (30) days in advance of sending the Notice of Intent (NOI) to EPA:

Environmental Trust Department  
Confederated Tribes of the Colville Reservation  
PO Box 150  
Nespelem, WA 99155

- b. Copies of the Notice of Intent (NOI) and Notice of Termination (NOT) must be sent to the ETD at the same time they are submitted to EPA.
- c. Discharges to Omak Creek, the Okanogan River, and Columbia River downstream of Chief Joseph Dam may affect threatened or endangered species, and shall only be permitted in adherence with Appendix D of the CGP.
- d. All work shall be carried out in such a manner as will prevent violations of water quality criteria as stated in Chapter 4-8 Water Quality Standards of the Colville Law and Order Code, as amended.
- e. Appropriate steps shall be taken to ensure that petroleum products or other chemical pollutants are prevented from entering waters of the CIR. All spills must be reported to the appropriate emergency management agency and the ETD, and measures shall be taken immediately to prevent the pollution of waters of the CIR, including groundwater.
- f. Stormwater site inspections shall be conducted at least once every 7 calendar days, within 24-hours of the occurrence of a rain event of 0.25 inches or greater in a 24-hour period, and daily during periods of saturated ground surface or snowmelt with accompanying surface runoff.
- g. Results of discharge sampling must be reported to the ETD within 7 days of sample collection. All sample reporting must include the date and time, location, and individual performing the sampling.
- h. Any corrective action reports that are required under the CGP must be submitted to the ETD at the above address within one (1) working day of the report completion.

- i. This certification does not authorize impacts to cultural, historical, or archeological features or sites, or properties that may be eligible for such listing.

**9.7.4.2 Lummi Nation.** The following conditions apply only to discharges on the Lummi Reservation:

- a. The Lummi Nation reserves the right to modify this 401 certification if the final version of the NPDES General Permit for Storm Water Discharges Associated with Construction Activity (CGP) on tribal lands in the State of Washington (Permit No. WAR10I000) is substantively different than the draft version of the proposed permit that was made available for public comments during April 2016. The Lummi Nation will determine if the final version of the NPDES CGP is substantively different than the draft version following review of the final version once the EPA makes it available.
- b. This certification does not exempt and is provisional upon compliance with other applicable statutes and codes administered by federal and Lummi tribal agencies. Pursuant to Lummi Code of Laws (LCL) 17.05.020(a), the operator must also obtain a land use permit from the Lummi Planning Department as provided in Title 15 of the Lummi Code of Laws and regulations adopted thereunder.
- c. Pursuant to LCL 17.05.020(a), each operator shall develop and submit a Storm Water Pollution Prevention Plan to the Lummi Water Resources Division for review and approval by the Water Resources Manager prior to beginning any discharge activities.
- d. Pursuant to LCL Title 17, each operator shall be responsible for achieving compliance with the Water Quality Standards for Surface Waters of the Lummi Indian Reservation (Lummi Administrative Regulations [LAR] 17 LAR 07.010 through 17 LAR 07.210 together with supplements and amendments thereto).
- e. Each operator shall submit a signed hard copy of the Notice of Intent (NOI) to the Lummi Water Resources Division at the same time it is submitted electronically to the Environmental Protection Agency (EPA) and shall provide the Lummi Water Resources Division the acknowledgement of receipt of the NOI from the EPA and the associated NPDES tracking number provided by the EPA within 7 calendar days of receipt from the EPA.
- f. Each operator shall submit a signed hard copy of the Notice of Termination (NOT) to the Lummi Water Resources Division at the same time it is submitted electronically to the EPA and shall provide the Lummi Water Resources Division the EPA acknowledgement of receipt of the NOT.
- g. Storm Water Pollution Prevention Plans, Notice of Intent, Notice of Termination and associated correspondence with the EPA shall be submitted to:

Lummi Natural Resources Department  
ATTN: Water Resources Manager  
2665 Kwina Road  
Bellingham, WA 98226-9298

**9.7.4.3 Makah Tribe.** The following conditions apply only to discharges on the Makah Reservation:

- a. The operator shall be responsible for achieving compliance with the Makah Tribe's Water Quality Standards.

- b. The operator shall submit a Storm Water Pollution Prevention Plan to the Makah Tribe Water Quality Program and Makah Fisheries Habitat Division for review and approval at least thirty (30) days prior to beginning any discharge activities.
- c. The operator shall submit a copy of the Notice of Intent to the Makah Tribe Water Quality Program and Makah Fisheries Habitat Division at the same time it is submitted to EPA.
- d. Storm Water Pollution Prevention Plans and Notices of Intent shall be submitted to:

Aaron Parker  
Makah Fisheries Management Water Quality Specialist  
(360) 645-3162  
Cell 206-356-0319  
[Aaron.parker@makah.com](mailto:Aaron.parker@makah.com)  
PO Box 115  
Neah Bay WA 98357

**9.7.4.4 Puyallup Tribe of Indians.** The following conditions apply only to discharges on the Puyallup Tribe of Indians Reservation:

- a. Each permittee shall be responsible for achieving compliance with the Puyallup Tribe's Water Quality Standards, including antidegradation provisions. The Puyallup Natural Resources Department will conduct an antidegradation review for permitted activities that have the potential to lower water quality. The antidegradation review will be consistent with the Tribe's Antidegradation Implementation Procedures. The Tribe may also impose additional controls on a site-specific basis, or request EPA to require the operator obtain coverage under an individual permit, if information in the NOI or from other sources indicates that the operator's discharges are not controlled as necessary to meet applicable water quality standards.
- b. The permittee shall be responsible for meeting any additional permit requirements imposed by EPA necessary to comply with the Puyallup Tribe's antidegradation policies if the discharge point is located within 1 linear mile upstream of waters designated by the Tribe.
- c. Each permittee shall submit a copy of the Notice of Intent (NOI) to be covered by the general permit to Char Naylor ([char.naylor@puyalluptribe.com](mailto:char.naylor@puyalluptribe.com)) and Russ Ladley ([russ.ladley@puyalluptribe.com](mailto:russ.ladley@puyalluptribe.com)) by email or at the address listed below at the same time it is submitted to EPA.

Puyallup Tribe of Indians  
3009 E. Portland Avenue  
Tacoma, WA 98404  
ATTN: Russ Ladley and Char Naylor

- d. All supporting documentation and certifications in the NOI related to coverage under the general permit for Endangered Species Act purposes shall be submitted to the Tribe's Resource Protection Manager ([russ.ladley@puyalluptribe.com](mailto:russ.ladley@puyalluptribe.com)) and Char Naylor ([char.naylor@puyalluptribe.com](mailto:char.naylor@puyalluptribe.com)) for review.
- e. If EPA requires coverage under an individual or alternative permit, the permittee shall submit a copy of the permit to Russ Ladley and Char Naylor at the address listed above.

- f. The permittee shall submit all stormwater pollution prevention plans to Char Naylor for review and approval prior to beginning any activities resulting in a discharge to tribal waters.
- g. The permittee shall conduct benchmark monitoring for turbidity (or transparency) and, in the event of significant concrete work or engineered soils, pH monitoring as well. Monitoring, benchmarks, and reporting requirements contained in Condition S.4. (pp.13-20) of the Washington State Construction Stormwater General Permit, effective January 1, 2016, shall apply, as applicable.
- h. The permittee shall notify Char Naylor (253-680-5520) and Russ Ladley (253-680-5560) prior to conducting inspections at construction sites generating storm water discharged to tribal waters.
- i. Treat dewatering discharges with controls necessary to minimize discharges of pollutants in order to minimize the discharge of pollutants to groundwater or surface waters from stormwater that is removed from excavations, trenches, foundations, vaults, or other storage areas. Examples of appropriate controls include sediment basins or sediment traps, sediment socks, dewatering tanks, tube settlers, weir tanks, and filtration systems (e.g., bag or sand filters) that are designed to remove sediment.  
  
To the extent feasible, utilize vegetated, upland areas of the site to infiltrate dewatering water before discharge. At all points where dewatering water is discharged, comply with the velocity dissipation requirements of Part 2.2.11 of EPA's 2016 General Construction Stormwater Permit. Examples of velocity dissipation devices include check dams, sediment traps, riprap, and grouted riprap at outlets.
- j. The permittee shall provide and maintain natural buffers to the maximum extent possible (and/or equivalent erosion and sediment controls) when tribal waters are located within 100 feet of the site's earth disturbances. If infeasible to provide and maintain an undisturbed 100 foot natural buffer, erosion and sediment controls to achieve the sediment load reduction equivalent to a 100-foot undisturbed natural buffer shall be required.

**9.7.4.5 Spokane Tribe of Indians.** The following conditions apply only to discharges on the Spokane Tribe Reservation:

- a. Pursuant to Tribal Law and Order Code (TLOC) Chapter 30 each operator shall be responsible for achieving compliance with the Surface Water Quality Standards of the Spokane Tribe. The operator shall notify the Spokane Tribe, Water Control Board (WCB) of any spills of hazardous material and;
- b. Each operator shall submit a signed hard copy of the Notice of Intent (NOI) to the WCB at the same time it is submitted to EPA.
- c. The permittee shall allow the Tribal Water Control Board or its designee to inspect and sample at the construction site as needed.
- d. Each operator shall submit a signed copy of the Notice of Termination (NOT) to the WCB at the same time it is submitted to EPA.

The correspondence address for the Spokane Tribe Water Control Board is:

Water Control Board  
c/o. Brian Crossley  
PO Box 480  
Wellpinit WA 99040

(509)626-4409  
[crossley@spokanetribe.com](mailto:crossley@spokanetribe.com)

**9.7.4.6 Swinomish Indian Tribal Community.** The following conditions apply only to discharges on the Swinomish Reservation:

- a. Owners and operators seeking coverage under this permit who intend to discharge to Regulated Surface Waters must submit a copy of the Notice of Intent (NOI) to the DEP at the same time the NOI is submitted to EPA.
- b. Owners and operators seeking coverage under this permit must also submit a Stormwater Pollution Prevention Plan to the DEP for review and approval by DEP prior to beginning any discharge activities.
- c. Owners and operators must also submit to the DEP Changes in NOI and/or Notices of Termination at the same time they are submitted to EPA.

**9.7.4.7 Tulalip Tribes.** The following conditions apply only to discharges on the Tulalip Reservation:

- a. This certification does not exempt and is provisional upon compliance with other applicable statutes and codes administered by federal and Tulalip tribal agencies. Pursuant to Tulalip Tribes code of law, the operator must also obtain a land use permit from the Tulalip Tribes Planning Department as provided in Title 7 of the Tulalip Tribal Code (<http://www.codepublishing.com/WA/Tulalip/?Tulalip02/Tulalip0205.html>).
- b. Each CGP operator shall be responsible for achieving compliance with Tulalip Tribes Water Quality Standards.
- c. Each CGP operator shall submit their Stormwater Pollution Prevention Plan (SWPPP) to the:

Tulalip Natural & Cultural Resources Department  
Tulalip Tribes  
6406 Marine Drive  
Tulalip, WA 98271

## Appendix A - Definitions and Acronyms

### 1. Definitions

"Action Area" – all areas to be affected directly or indirectly by the federal action and not merely the immediate area involved in the action. See 50 CFR 402. For the purposes of this permit and for application of the threatened and endangered species protection eligibility requirements, the following areas are included in the definition of action area:

- The areas on the construction site where stormwater discharges originate and flow toward the point of discharge into the receiving waters (including areas where excavation, site development, or other ground disturbance activities occur) and the immediate vicinity. (Example: Where bald eagles nest in a tree that is on or bordering a construction site and could be disturbed by the construction activity or where grading causes stormwater to flow into a small wetland or other habitat that is on the site that contains listed species.)
- The areas where stormwater discharges flow from the construction site to the point of discharge into receiving waters. (Example: Where stormwater flows into a ditch, swale, or gully that leads to receiving waters and where listed species (such as listed amphibians) are found in the ditch, swale, or gully.)
- The areas where stormwater from construction activities discharges into receiving waters and the areas in the immediate vicinity of the point of discharge. (Example: Where stormwater from construction activities discharges into a stream segment that is known to harbor listed aquatic species.)
- The areas where stormwater controls will be constructed and operated, including any areas where stormwater flows to and from the stormwater controls. (Example: Where a stormwater retention pond would be built.)
- The areas upstream and/or downstream from the stormwater discharge into a stream segment that may be affected by these discharges. (Example: Where sediment discharged to a receiving stream settles downstream and impacts a breeding area of a listed aquatic species.)

"Agricultural Land" - cropland, grassland, rangeland, pasture, and other agricultural land, on which agricultural and forest-related products or livestock are produced and resource concerns may be addressed. Agricultural lands include cropped woodland, marshes, incidental areas included in the agricultural operation, and other types of agricultural land used for the production of livestock.

"Antidegradation Policy" or "Antidegradation Requirements" - the water quality standards regulation that requires states and tribes to establish a three-tiered antidegradation program:

1. Tier 1 maintains and protects existing uses and water quality conditions necessary to support such uses. An existing use can be established by demonstrating that fishing, swimming, or other uses have actually occurred since November 28, 1975, or that the water quality is suitable to allow such uses to occur. Where an existing use is established, it must be protected even if it is not listed in the water quality standards as a designated use. Tier 1 requirements are applicable to all surface waters.
2. Tier 2 maintains and protects "high quality" waters -- waterbodies where existing conditions are better than necessary to support CWA § 101(a)(2) "fishable/swimmable" uses. Water quality can be lowered in such waters. However, state and tribal Tier 2 programs identify procedures that must be followed and questions that must be



answered before a reduction in water quality can be allowed. In no case may water quality be lowered to a level which would interfere with existing or designated uses.

3. Tier 3 maintains and protects water quality in outstanding national resource waters (ONRWs). Except for certain temporary changes, water quality cannot be lowered in such waters. ONRWs generally include the highest quality waters of the United States. However, the ONRW classification also offers special protection for waters of exceptional ecological significance, i.e., those which are important, unique, or sensitive ecologically. Decisions regarding which water bodies qualify to be ONRWs are made by states and authorized Indian tribes.

"Arid Areas" – areas with an average annual rainfall of 0 to 10 inches.

"Bank" (e.g., stream bank or river bank) – the rising ground bordering the channel of a water of the U.S.

"Bluff" – a steep headland, promontory, riverbank, or cliff.

"Borrow Areas" – the areas where materials are dug for use as fill, either onsite or off-site.

"Business day" – for the purposes of this permit, a business day is a calendar day on which construction activities will take place.

"Bypass" – the intentional diversion of waste streams from any portion of a treatment facility. See 40 CFR 122.41(m)(1)(i).

"Cationic Treatment Chemical" – polymers, flocculants, or other chemicals that contain an overall positive charge. Among other things, they are used to reduce turbidity in stormwater discharges by chemically bonding to the overall negative charge of suspended silts and other soil materials and causing them to bind together and settle out. Common examples of cationic treatment chemicals are chitosan and cationic PAM.

"Commencement of Construction Activities" – the initial disturbance of soils (or 'breaking ground') associated with clearing, grading, or excavating activities or other construction-related activities (e.g., stockpiling of fill material; placement of raw materials at the site).

"Common Plan of Development or Sale" – A contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one common plan. The "common plan" of development or sale is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating construction activities may occur on a specific plot.

"Construction Activities" – earth-disturbing activities, such as the clearing, grading, and excavation of land, and other construction-related activities (e.g., stockpiling of fill material; placement of raw materials at the site) that could lead to the generation of pollutants. Some of the types of pollutants that are typically found at construction sites are:

- sediment;
- nutrients;
- heavy metals;
- pesticides and herbicides;
- oil and grease;
- bacteria and viruses;
- trash, debris, and solids;

- treatment polymers; and
- any other toxic chemicals.

"Construction and Development Effluent Limitations and New Source Performance Standards" (C&D Rule) – as published in 40 CFR § 450, the regulation requiring effluent limitations guidelines (ELGs) and new source performance standards (NSPS) for controlling the discharge of pollutants from construction sites.

"Construction Site" or "Site" – the land or water area where construction activities will occur and where stormwater controls will be installed and maintained. The construction site includes construction support activities, which may be located at a different part of the property from where the primary construction activity will take place, or on a different piece of property altogether.

"Construction Support Activity" – a construction-related activity that specifically supports the construction activity and involves earth disturbance or pollutant-generating activities of its own, and can include activities associated with concrete or asphalt batch plants, equipment staging yards, materials storage areas, excavated material disposal areas, and borrow areas.

"Construction Waste" – discarded material (such as packaging materials; scrap construction materials; masonry products; timber, steel, pipe, and electrical cuttings; plastics; and styrofoam).

"Conveyance Channel" – a temporary or permanent waterway designed and installed to safely convey stormwater flow within and out of a construction site.

"Critical Habitat" – as defined in the Endangered Species Act at 16 U.S.C. 1531 for a threatened or endangered species, (i) the specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the provisions of section 4 of the Endangered Species Act, on which are found those physical or biological features essential to the conservation of the species and which may require special management considerations or protection; and (ii) specific areas outside the geographical area occupied by the species at the time it is listed in accordance with the provisions of section 4 of the Endangered Species Act, upon a determination by the Secretary that such areas are essential for the conservation of the species.

"CWA" – the Clean Water Act or the Federal Water Pollution Control Act, 33 U.S.C. section 1251 et seq.

"Dewatering" – the act of draining rainwater and/or ground water from building foundations, vaults, and trenches.

"Discharge" – when used without qualification, means the "discharge of a pollutant."

"Discharge of a Pollutant" – any addition of any "pollutant" or combination of pollutants to "waters of the United States" from any "point source," or any addition of any pollutant or combination of pollutants to the waters of the "contiguous zone" or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation. This includes additions of pollutants into waters of the United States from: surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. See 40 CFR 122.2.

"Discharge Point" – for the purposes of this permit, the location where collected and concentrated stormwater flows are discharged from the construction site.

"Discharge-Related Activity" – activities that cause, contribute to, or result in stormwater and allowable non-stormwater point source discharges, and measures such as the siting, construction, and operation of stormwater controls to control, reduce, or prevent pollutants from being discharged.

“Discharge to an Impaired Water” – for the purposes of this permit, a discharge to an impaired water occurs if the first water of the U.S. to which you discharge is identified by a state, tribe, or EPA pursuant to Section 303(d) of the Clean Water Act as not meeting an applicable water quality standard and (1) requires development of a total maximum daily load (TMDL) (pursuant to section 303(d) of the CWA; or (2) is addressed by an EPA-approved or established TMDL; or (3) is not in either of the above categories but the waterbody is covered by a pollution control program that meets the requirements of 40 CFR 130.7(b)(1). For discharges that enter a storm sewer system prior to discharge, the water of the U.S. to which you discharge is the first water of the U.S. that receives the stormwater discharge from the storm sewer system.

“Domestic Waste” – for the purposes of this permit, typical household trash, garbage or rubbish items generated by construction activities.

“Drainageway” – an open linear depression, whether constructed or natural, that functions for the collection and drainage of surface water.

“Drought-Stricken Area” – for the purposes of this permit, an area in which the National Oceanic and Atmospheric Administration’s U.S. Seasonal Drought Outlook indicates for the period during which the construction will occur that any of the following conditions are likely: (1) “Drought to persist or intensify”, (2) “Drought ongoing, some improvement”, (3) “Drought likely to improve, impacts ease”, or (4) “Drought development likely”. See [http://www.cpc.ncep.noaa.gov/products/expert\\_assessment/sdo\\_summary.php](http://www.cpc.ncep.noaa.gov/products/expert_assessment/sdo_summary.php).

“Earth-Disturbing Activity” – actions taken to alter the existing vegetation and/or underlying soil of a site, such as clearing, grading, site preparation (e.g., excavating, cutting, and filling), soil compaction, and movement and stockpiling of top soils.

“Earth-Disturbing Activities Conducted Prior to Active Mining Activities” – Consists of two classes of earth-disturbing (i.e., clearing, grading and excavation) activities:

- a. activities performed for purposes of mine site preparation, including: cutting new rights of way (except when related to access road construction); providing access to a mine site for vehicles and equipment (except when related to access road construction); other earth disturbances associated with site preparation activities on any areas where active mining activities have not yet commenced (e.g., for heap leach pads, waste rock facilities, tailings impoundments, wastewater treatment plants); and

- b. construction of staging areas to prepare for erecting structures such as to house project personnel and equipment, mill buildings, etc., and construction of access roads.

Note: only earth-disturbing activities associated with the construction of staging areas and the construction of access roads conducted prior to active mining (see (b) above) are considered to be “construction” and therefore stormwater discharges from these activities are eligible for coverage under this permit. See Part 1.2.1.b. The activities described in (a) above are not considered to be “construction” and therefore stormwater discharges associated with this activity are not eligible for coverage under this permit.

“Effective Operating Condition” – for the purposes of this permit, a stormwater control is kept in effective operating condition if it has been implemented and maintained in such a manner that it is working as designed to minimize pollutant discharges.

“Effluent Limitations” – for the purposes of this permit, any of the Part 2 or Part 3 requirements.

“Effluent Limitations Guideline” (ELG) – defined in 40 CFR § 122.2 as a regulation published by the Administrator under section 304(b) of the CWA to adopt or revise effluent limitations.

“Eligible” – for the purposes of this permit, refers to stormwater and allowable non-stormwater discharges that are authorized for coverage under this general permit.

"Emergency-Related Project" – a project initiated in response to a public emergency (e.g., mud slides, earthquake, extreme flooding conditions, disruption in essential public services), for which the related work requires immediate authorization to avoid imminent endangerment to human health or the environment, or to reestablish essential public services.

"Endangered Species" – defined in the Endangered Species Act at 16 U.S.C. 1531 as any species which is in danger of extinction throughout all or a significant portion of its range other than a species of the Class Insecta determined by the Secretary to constitute a pest whose protection under the provisions of this Act would present an overwhelming and overriding risk to man.

"Excursion" – a measured value that exceeds a specified limit.

"Existing Site" – a site where construction activities commenced prior to February 16, 2017.

"Exit Points" – any points of egress from the construction site to be used by vehicles and equipment during construction activities.

"Exposed Soils" – for the purposes of this permit, soils that as a result of earth-disturbing activities are left open to the elements.

"Federal Operator" – an entity that meets the definition of "Operator" in this permit and is either any department, agency or instrumentality of the executive, legislative, and judicial branches of the Federal government of the United States, or another entity, such as a private contractor, performing construction activity for any such department, agency, or instrumentality.

"Final Stabilization" – on areas not covered by permanent structures, either (1) uniform, perennial vegetation (e.g., *evenly distributed, without large bare areas*) has been established, or for arid or semi-arid areas, will be established that provides 70 percent or more of the cover that is provided by vegetation native to local undisturbed areas, and/or (2) permanent non-vegetative stabilization measures (e.g., riprap, gravel, gabions, and geotextiles) have been implemented to provide effective cover for exposed portions of the site

"General Contractor" – for the purposes of this permit, the primary individual or company solely accountable to perform a contract. The general contractor typically supervises activities, coordinates the use of subcontractors, and is authorized to direct workers at a site to carry out activities required by the permit.

"Hazardous Substances" or "Hazardous or Toxic Waste" – for the purposes of this permit, any liquid, solid, or contained gas that contain properties that are dangerous or potentially harmful to human health or the environment. See also 40 CFR §261.2.

"Historic Property" – as defined in the National Historic Preservation Act regulations, means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria.

"Impaired Water" – a water identified by the state, tribe, or EPA as not meeting an applicable water quality standard and (1) requires development of a TMDL (pursuant to section 303(d) of the CWA; or (2) is addressed by an EPA-approved or established TMDL; or (3) is not in either of the above categories but the waterbody is covered by a pollution control program that meets the requirements of 40 CFR 130.7(b)(1).

"Impervious Surface" – for the purpose of this permit, any land surface with a low or no capacity for soil infiltration including, but not limited to, pavement, sidewalks, parking areas and driveways, packed gravel or soil, or rooftops.

“Indian Country” or “Indian Country Lands” – defined at 40 CFR §122.2 as:

1. All land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation;
2. All dependent Indian communities with the borders of the United States whether within the originally or subsequently acquired territory thereof, and whether within or without the limits of a state; and
3. All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-ways running through the same.

“Infeasible” – for the purpose of this permit, infeasible means not technologically possible or not economically practicable and achievable in light of best industry practices. EPA notes that it does not intend for any permit requirement to conflict with state water rights law.

“Install” or “Installation” – when used in connection with stormwater controls, to connect or set in position stormwater controls to make them operational.

“Jar test” – a test designed to simulate full-scale coagulation/flocculation/sedimentation water treatment processes by taking into account the possible conditions.

“Landward” – positioned or located away from a waterbody, and towards the land.

“Large Construction Activity” – defined at 40 CFR § 122.26(b)(14)(x) and incorporated here by reference. Large construction activity includes clearing, grading, and excavating resulting in a land disturbance that will disturb equal to or greater than five acres of land or will disturb less than five acres of total land area but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than five acres. Large construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site.

“Linear Construction Site” – includes the construction of roads, bridges, conduits, substructures, pipelines, sewer lines, towers, poles, cables, wires, connectors, switching, regulating and transforming equipment and associated ancillary facilities in a long, narrow area.

“Minimize” – to reduce and/or eliminate to the extent achievable using stormwater controls that are technologically available and economically practicable and achievable in light of best industry practices.

“Mining Activity” – for the purposes of this permit, includes mining-related construction activities defined at 40 CFR 122.26(b)(14)(x) and 122.26(b)(15)(i), and active mining activities defined at 40 CFR 122.26(b)(14)(iii). Both of these sub categories of activities include earth-disturbing activities, with the latter also including such activities as: extraction, removal or recovery, and beneficiation of mined material from the earth; removal of overburden and waste rock to expose mineable material; and site reclamation and closure activities.

“Mining Operations” – for the purposes of this permit, mining operations are grouped into two distinct categories, with distinct effluent limits and requirements applicable to each: 1) earth-disturbing activities conducted prior to active mining activities; and 2) active mining activities, which includes reclamation.

“Municipal Separate Storm Sewer System” or “MS4” – defined at 40 CFR §122.26(b)(8) as a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

1. Owned and operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special

districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;

2. Designed or used for collecting or conveying stormwater;
3. Which is not a combined sewer; and
4. Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR §122.2.

"National Pollutant Discharge Elimination System" (NPDES) – defined at 40 CFR §122.2 as the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of CWA. The term includes an 'approved program.'

"Native Topsoil" – the uppermost layer of naturally occurring soil for a particular area, and is often rich in organic matter, biological activity, and nutrients.

"Natural Buffer" – for the purposes of this permit, an area of undisturbed natural cover surrounding waters of the U.S. within which construction activities are restricted. Natural cover includes the vegetation, exposed rock, or barren ground that exists prior to commencement of earth-disturbing activities.

"Natural Vegetation" – vegetation that occurs spontaneously without regular management, maintenance, or species introductions or removals, and that generally has a strong component of native species.

"New Operator of a Permitted Site" – an operator that through transfer of ownership and/or operation replaces the operator of an already permitted construction site that is either a "new site" or an "existing site".

"New Site" – a site where construction activities commenced on or after February 16, 2017.

"New Source" – for the purposes of this permit, a construction project that commenced construction activities after February 1, 2010.

"New Source Performance Standards (NSPS)" – for the purposes of this permit, NSPS are technology-based standards that apply to construction sites that are new sources under 40 CFR 450.24.

"Non-Stormwater Discharges" – discharges that do not originate from storm events. They can include, but are not limited to, discharges of process water, air conditioner condensate, non-contact cooling water, vehicle wash water, sanitary wastes, concrete washout water, paint wash water, irrigation water, or pipe testing water.

"Non-Turbid" – a discharge that does not cause or contribute to an exceedence of turbidity-related water quality standards.

"Notice of Intent" (NOI) – the form (electronic or paper) required for authorization of coverage under the Construction General Permit.

"Notice of Termination" (NOT) – the form (electronic or paper) required for terminating coverage under the Construction General Permit.

"NPDES eReporting Tool" (NeT) – EPA's online system for submitting electronic Construction General Permit forms.

"Operational" – for the purposes of this permit, stormwater controls are made "operational" when they have been installed and implemented, are functioning as designed, and are properly maintained.

"Operator" – for the purposes of this permit and in the context of stormwater discharges associated with construction activity, any party associated with a construction project that meets either of the following two criteria:

1. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or
2. The party has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions.

This definition is provided to inform permittees of EPA's interpretation of how the regulatory definitions of "owner or operator" and "facility or activity" are applied to discharges of stormwater associated with construction activity. Subcontractors generally are not considered operators for the purposes of this permit.

"Ordinary High Water Mark" – the line on the shore established by fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, and/or the presence of litter and debris.

"Permitting Authority" – for the purposes of this permit, EPA, a Regional Administrator of EPA, or an authorized representative.

"Point(s) of Discharge" – see "Discharge Point."

"Point Source" – any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

"Pollutant" – defined at 40 CFR § 122.2. A partial listing from this definition includes: dredged spoil, solid waste, sewage, garbage, sewage sludge, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial or municipal waste.

"Pollution Prevention Controls" – stormwater controls designed to reduce or eliminate the addition of pollutants to construction site discharges through analysis of pollutant sources, implementation of proper handling/disposal practices, employee education, and other actions.

"Polymers" – for the purposes of this permit, coagulants and flocculants used to control erosion on soil or to enhance the sediment removal capabilities of sediment traps or basins. Common construction site polymers include polyacrylamide (PAM), chitosan, alum, polyaluminum chloride, and gypsum.

"Prohibited Discharges" – discharges that are not allowed under this permit, including:

1. Wastewater from washout of concrete;
2. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;
3. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;
4. Soaps or solvents used in vehicle and equipment washing;
5. Toxic or hazardous substances from a spill or other release; and

6. Waste, garbage, floatable debris, construction debris, and sanitary waste.

"Provisionally Covered Under this Permit" – for the purposes of this permit, EPA provides temporary coverage under this permit for emergency-related projects prior to receipt of a complete and accurate NOI. Discharges from earth-disturbing activities associated with the emergency-related projects are subject to the terms and conditions of the permit during the period of temporary coverage.

"Qualified Person" – a person knowledgeable in the principles and practice of erosion and sediment controls and pollution prevention, who possesses the appropriate skills and training to assess conditions at the construction site that could impact stormwater quality, and the appropriate skills and training to assess the effectiveness of any stormwater controls selected and installed to meet the requirements of this permit.

"Receiving Water" – a "Water of the United States" as defined in 40 CFR § 122.2 into which the regulated stormwater discharges.

"Run-On" – sources of stormwater that drain from land located upslope or upstream from the regulated site in question.

"Semi-Arid Areas" – areas with an average annual rainfall of 10 to 20 inches.

"Shared Control" - for the purposes of this permit, a stormwater control, such as a sediment basin or pond, used by two or more operators that is installed and maintained for the purpose of minimizing and controlling pollutant discharges from a construction site with multiple operators associated with a common plan of development or sale.

"Small Construction Activity" – defined at 40 CFR § 122.26(b)(15) and incorporated here by reference. A small construction activity includes clearing, grading, and excavating resulting in a land disturbance that will disturb equal to or greater than one (1) acre and less than five (5) acres of land or will disturb less than one (1) acre of total land area but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one (1) acre and less than five (5) acres. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site.

"Small Residential Lot" – for the purpose of this permit, a lot being developed for residential purposes that will disturb less than 1 acre of land, but is part of a larger residential project that will ultimately disturb greater than or equal to 1 acre.

"Snowmelt" – the conversion of snow into overland stormwater and ground water flow as a result of warmer temperatures.

"Spill" – for the purpose of this permit, the release of a hazardous or toxic substance from its container or containment.

"Stabilization" – the use of vegetative and/or non-vegetative cover to prevent erosion and sediment loss in areas exposed through the construction process.

"Steep Slopes" – where a state, tribe, local government, or industry technical manual (e.g., stormwater BMP manual) has defined what is to be considered a "steep slope", this permit's definition automatically adopts that definition. Where no such definition exists, steep slopes are automatically defined as those that are 15 percent or greater in grade.

"Storm Sewer System" – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) designed or used for collecting or conveying stormwater.

"Stormwater" – stormwater runoff, snowmelt runoff, and surface runoff and drainage.



"Stormwater Control" - refers to any best management practice or other method (including narrative effluent limitations) used to prevent or reduce the discharge of pollutants to waters of the United States.

"Stormwater Discharge Associated with Construction Activity" – as used in this permit, a discharge of pollutants in stormwater to waters of the United States from areas where earth-disturbing activities (e.g., clearing, grading, or excavation) occur, or where construction materials or equipment storage or maintenance (e.g., fill piles, borrow area, concrete truck chute washdown, fueling), or other industrial stormwater directly related to the construction process (e.g., concrete or asphalt batch plants), are located.

"Stormwater Inlet" – a structure placed below grade to conduct water used to collect stormwater runoff for conveyance purposes.

"Stormwater Team" – the group of individuals responsible for oversight of the development and modifications of the SWPPP, and oversight of compliance with the permit requirements. The individuals on the "Stormwater Team" must be identified in the SWPPP.

"Storm Event" – a precipitation event that results in a measurable amount of precipitation.

"Storm Sewer" – a system of pipes (separate from sanitary sewers) that carries stormwater runoff from buildings and land surfaces.

"Subcontractor" – for the purposes of this permit, an individual or company that takes a portion of a contract from the general contractor or from another subcontractor.

"SWPPP" (Stormwater Pollution Prevention Plan) – a site-specific, written document that, among other things: (1) identifies potential sources of stormwater pollution at the construction site; (2) describes stormwater controls to reduce or eliminate pollutants in stormwater discharges from the construction site; and (3) identifies procedures the operator will implement to comply with the terms and conditions of this general permit.

"Temporary Stabilization" – a condition where exposed soils or disturbed areas are provided temporary vegetative and/or non-vegetative protective cover to prevent erosion and sediment loss. Temporary stabilization may include temporary seeding, geotextiles, mulches, and other techniques to reduce or eliminate erosion until either final stabilization can be achieved or until further construction activities take place to re-disturb this area.

"Thawing Conditions" – for the purposes of this permit, thawing conditions are expected based on the historical likelihood of two or more days with daytime temperatures greater than 32°F. This date can be determined by looking at historical weather data. Note: the estimation of thawing conditions is for planning purposes only. During construction the permittee will be required to conduct site inspections based upon actual conditions (i.e., if thawing conditions occur sooner than expected, the permittee will be required to conduct inspections at the regular frequency).

"Threatened Species" – defined in the Endangered Species Act at 16 U.S.C. 1531 as any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

"Tier 2 Waters" – for antidegradation purposes, pursuant to 40 CFR 131.12(a)(2), those waters that are characterized as having water quality that exceeds the levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water.

"Tier 2.5 Waters" – for antidegradation purposes, those waters designated by states or tribes as requiring a level of protection equal to and above that given to Tier 2 waters, but less than that given Tier 3 waters. Some states have special requirements for these waters.

"Tier 3 Waters" – for antidegradation purposes, pursuant to 40 CFR 131.12(a)(3), Tier 3 waters are identified by states as having high quality waters constituting an Outstanding National Resource

Water (ONRW), such as waters of National Parks and State Parks, wildlife refuges, and waters of exceptional recreational or ecological significance.

"Total Maximum Daily Load" or "TMDL" – the sum of the individual wasteload allocations (WLAs) for point sources and load allocations (LAs) for nonpoint sources and natural background. If receiving water has only one point source discharger, the TMDL is the sum of that point source WLA plus the LAs for any nonpoint sources of pollution and natural background sources, tributaries, or adjacent segments. TMDLs can be expressed in terms of mass per time, toxicity, or other appropriate measure.

"Toxic Waste" – see "Hazardous Substances."

"Treatment Chemicals" – polymers, flocculants, or other chemicals used to reduce turbidity in stormwater.

"Turbidity" – a condition of water quality characterized by the presence of suspended solids and/or organic material.

"Uncontaminated Discharge" – in the context of authorized non-stormwater discharges, a discharge that does not cause or contribute to an exceedance of applicable water quality standards.

"Upland" – the dry land area above and 'landward' of the ordinary high water mark.

"Upset" – Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond your reasonable control. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. See 40 CFR 122.41(n)(1).

"Water-Dependent Structures" – structures or facilities that are required to be located directly adjacent to a waterbody or wetland, such as a marina, pier, boat ramp, etc.

"Water Quality Standards" – defined in 40 CFR § 131.3, and are provisions of state or federal law which consist of a designated use or uses for the waters of the United States, water quality criteria for such waters based upon such uses, and an antidegradation policy to protect high-quality waters. Water quality standards protect the public health or welfare, enhance the quality of water and serve the purposes of the Act.

"Waters of the United States" – see definition at 40 CFR 122.2.

"Wetland" – those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. On-site evaluations are typically required to confirm the presence and boundaries of wetlands.

## **1. Acronyms**

ACHP – Advisory Council on Historic Preservation

BMP – Best Management Practice

CBI – Confidential Business Information

CGP – Construction General Permit

CFR – Code of Federal Regulations

CWA – Clean Water Act

CZMA – Coastal Zone Management Act  
ECHO – EPA Enforcement and Compliance History Online  
ELG – Effluent Limitations Guideline  
EPA – United States Environmental Protection Agency  
ESA – Endangered Species Act  
FR – Federal Register  
MS4 – Municipal Separate Storm Sewer System  
MSGP – Multi-Sector General Permit  
NEPA – National Environmental Policy Act  
NeT – NPDES eReporting Tool  
NHPA – National Historic Preservation Act  
NMFS – United States National Marine Fisheries Service  
NPDES – National Pollutant Discharge Elimination System  
NOI – Notice of Intent  
NOT – Notice of Termination  
NPDES – National Pollutant Discharge Elimination System  
NRC – National Response Center  
NRCS – National Resources Conservation Service  
NSPS – New Source Performance Standards  
ONRW – Outstanding National Resource Water  
PAM – Polyacrylamide  
POTW – Publicly Owned Treatment Works  
RUSLE – Revised Universal Soil Loss Equation  
SDS – Safety Data Sheet  
SHPO – State Historic Preservation Office  
SPCC – Spill Prevention Control and Countermeasure  
SWPPP – Stormwater Pollution Prevention Plan  
THPO – Tribal Historic Preservation Office  
TMDL – Total Maximum Daily Load  
TSS – Total Suspended Solids  
UIC – Underground Injection Control  
USDA – United States Department of Agriculture  
USFWS – United States Fish and Wildlife Service  
USGS – United States Geological Survey  
WQS – Water Quality Standard

## Appendix B - Permit Areas Eligible for Coverage and EPA Regional Addresses

Permit coverage for stormwater discharges from construction activity occurring within the following areas is provided by legally separate and distinctly numbered permits.

### B.1 EPA Region 1

The permit offers coverage for stormwater discharges from construction activity from the following areas in EPA Region 1:

<b>Permit No.</b>	<b><u>Areas of Coverage/Where EPA is Permitting Authority</u></b>
<b>CTR10I000</b>	Indian country within the State of Connecticut
<b>MAR100000</b>	Commonwealth of Massachusetts (except Indian country)
<b>MAR10I000</b>	Indian country within the State of Massachusetts
<b>NHR100000</b>	State of New Hampshire
<b>RIR10I000</b>	Indian country within the State of Rhode Island
<b>VTR10F000</b>	Areas in the State of Vermont subject to construction by a Federal Operator
<b>01R10I000</b>	All areas of Indian country not identified above that are not already covered by an EPA-approved permitting program

For stormwater discharges in EPA Region 1 outside the areas of coverage identified above, please contact your state NPDES permitting authority to obtain coverage under a state-issued NPDES permit.

#### **EPA Region 1 Address:**

U.S. EPA Region 1  
Office of Ecosystem Protection  
Stormwater and Construction Permits Section  
5 Post Office Square, Suite 100  
(OEP 06-1)  
Boston, MA 02109-3912

### B.2 EPA Region 2

The permit offers coverage for stormwater discharges from construction activity from the following areas in EPA Region 2:

<b>Permit No.</b>	<b><u>Areas of Coverage/Where EPA is Permitting Authority</u></b>
<b>NYR10I000</b>	Indian country within the State of New York
<b>PRR100000</b>	Commonwealth of Puerto Rico
<b>02R10I000</b>	All areas of Indian country not identified above that are not already covered by an EPA-approved permitting program

For stormwater discharges in EPA Region 2 outside the areas of coverage identified above, please contact your state NPDES permitting authority to obtain coverage under a state-issued NPDES permit.

**EPA Region 2 Address:***For Puerto Rico:*

U.S. EPA Region 2  
Caribbean Environmental Protection Division  
NPDES Stormwater Program  
City View Plaza II – Suite 7000  
48 Rd. 165 Km 1.2  
Guaynabo, PR 00968-8069

*For New York:*

U.S. EPA Region 2  
NPDES Stormwater Program  
290 Broadway, 24th Floor  
New York, NY 10007-1866

**B.3 EPA Region 3**

The permit offers coverage for stormwater discharges from construction activity from the following areas in EPA Region 3:

<b><u>Permit No.</u></b>	<b><u>Areas of Coverage/Where EPA is Permitting Authority</u></b>
<b>DCR100000</b>	District of Columbia
<b>DER10F000</b>	Areas in the State of Delaware subject to construction by a Federal Operator
<b>VAR10I000</b>	Indian country within the State of Virginia
<b>03R10I000</b>	All areas of Indian country not identified above that are not already covered by an EPA-approved permitting program

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For stormwater discharges in EPA Region 3 outside the areas of coverage identified above, please contact your state NPDES permitting authority to obtain coverage under a state-issued NPDES permit.

**EPA Region 3 Address:**

U.S. EPA Region 3  
Office of NPDES Permits and Enforcement  
NPDES Permits Branch, Mailcode 3WP41  
1650 Arch Street  
Philadelphia, PA 19103

**B.4 EPA Region 4**

The permit offers coverage for stormwater discharges from construction activity from the following areas in EPA Region 4:

<b><u>Permit No.</u></b>	<b><u>Areas of Coverage/Where EPA is Permitting Authority</u></b>
<b>ALR10I000</b>	Indian country within the State of Alabama
<b>FLR10I000</b>	Indian country within the State of Florida
<b>MSR10I000</b>	Indian country within the State of Mississippi
<b>NCR10I000</b>	Indian country within the State of North Carolina
<b>04R10I000</b>	All areas of Indian country not identified above that are not already covered by an EPA-approved permitting program (except Catawba lands in South Carolina)

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For stormwater discharges in EPA Region 4 outside the areas of coverage identified above, please contact your state NPDES permitting authority to obtain coverage under a state-issued NPDES permit.

**EPA Region 4 Address:**

U.S. EPA Region 4  
Water Protection Division  
NPDES Stormwater Program  
Atlanta Federal Center  
61 Forsyth Street SW  
Atlanta, GA 30303-3104

**B.5 EPA Region 5**

The permit offers coverage for stormwater discharges from construction activity from the following areas in EPA Region 5:

<b><u>Permit No.</u></b>	<b><u>Areas of Coverage/Where EPA is Permitting Authority</u></b>
<b>MIR10I000</b>	Indian country within the State of Michigan
<b>MNR10I000</b>	Indian country within the State of Minnesota
<b>WIR10I000</b>	Indian country within the State of Wisconsin, except the Sokaogon Chippewa (Mole Lake) Community
<b>05R10I000</b>	All areas of Indian country not identified above that are not already covered by an EPA-approved permitting program

For stormwater discharges in EPA Region 5 outside the areas of coverage identified above, please contact your state NPDES permitting authority to obtain coverage under a state-issued NPDES permit.

**EPA Region 5 Address:**

U.S. EPA Region 5  
NPDES Program Branch  
77 W. Jackson Blvd.  
Mail Code WN16J  
Chicago, IL 60604-3507

**B.6 EPA Region 6**

The permit offers coverage for stormwater discharges from construction activity from the following areas in EPA Region 6:

<b><u>Permit No.</u></b>	<b><u>Areas of Coverage/Where EPA is Permitting Authority</u></b>
<b>LAR10I000</b>	Indian country within the State of Louisiana
<b>NMR100000</b>	State of New Mexico, except Indian country
<b>NMR10I000</b>	Indian country within the State of New Mexico, except Navajo Reservation Lands that are covered under Arizona permit AZR10I000 and Ute Mountain Reservation Lands that are covered under Colorado permit COR10I000.
<b>OKR10I000</b>	Indian country within the State of Oklahoma
<b>OKR10F000</b>	Discharges in the State of Oklahoma that are not under the authority of the Oklahoma Department of Environmental Quality, including activities associated with oil and gas exploration, drilling, operations, and

<b><u>Permit No.</u></b>	<b><u>Areas of Coverage/Where EPA is Permitting Authority</u></b>
<b>TXR10F000</b>	pipelines (includes SIC Groups 13 and 46, and SIC codes 492 and 5171), and point source discharges associated with agricultural production, services, and silviculture (includes SIC Groups 01, 02, 07, 08, 09). Discharges in the State of Texas that are not under the authority of the Texas Commission on Environmental Quality (formerly TNRCC), including activities associated with the exploration, development, or production of oil or gas or geothermal resources, including transportation of crude oil or natural gas by pipeline.
<b>TXR10I000</b>	Indian country within the State of Texas
<b>06R10I000</b>	All areas of Indian country not identified above that are not already covered by an EPA-approved permitting program

For stormwater discharges in EPA Region 6 outside the areas of coverage identified above, please contact your state NPDES permitting authority to obtain coverage under a state-issued NPDES permit.

#### **EPA Region 6 Address:**

U.S. EPA Region 6  
NPDES Stormwater Program (WQ-PP)  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733

#### **B.7 EPA Region 7**

The permit offers coverage for stormwater discharges from construction activity from the following areas in EPA Region 7:

<b><u>Permit No.</u></b>	<b><u>Areas of Coverage/Where EPA is Permitting Authority</u></b>
<b>IAR10I000</b>	Indian country within the State of Iowa
<b>KSR10I000</b>	Indian country within the State of Kansas
<b>NER10I000</b>	Indian country within the State of Nebraska, except Pine Ridge Reservation lands (see Region 8)
<b>07R10I000</b>	All areas of Indian country not identified above that are not already covered by an EPA-approved permitting program

For stormwater discharges in EPA Region 7 outside the areas of coverage identified above, please contact your state NPDES permitting authority to obtain coverage under a state-issued NPDES permit.

#### **EPA Region 7 Address:**

U.S. EPA Region 7  
NPDES Stormwater Program  
11201 Renner Blvd  
Lenexa, KS 66219

#### **B.8 EPA Region 8**

The permit offers coverage for stormwater discharges from construction activity from the following areas in EPA Region 8:

<b><u>Permit No.</u></b>	<b><u>Areas of Coverage/Where EPA is Permitting Authority</u></b>
<b>COR10F000</b>	Areas in the State of Colorado, except those located on Indian country, subject to construction activity by a Federal Operator
<b>COR10I000</b>	Indian country within the State of Colorado, as well as the portion of the Ute Mountain Reservation located in New Mexico
<b>MTR10I000</b>	Indian country within the State of Montana
<b>NDR10I000</b>	Indian country within the State of North Dakota, as well as that portion of the Standing Rock Reservation located in South Dakota (except for the portion of the lands within the former boundaries of the Lake Traverse Reservation which is covered under South Dakota permit SDR10I000 listed below)
<b>SDR10I000</b>	Indian country within the State of South Dakota, as well as the portion of the Pine Ridge Reservation located in Nebraska and the portion of the lands within the former boundaries of the Lake Traverse Reservation located in North Dakota (except for the Standing Rock Reservation which is covered under North Dakota permit NDR10I000 listed above)
<b>UTR10I000</b>	Indian country within the State of Utah, except Goshute and Navajo Reservation lands (see Region 9)
<b>WYR10I000</b>	Indian country within the State of Wyoming
<b>08R10I000</b>	All areas of Indian country not identified above that are not already covered by an EPA-approved permitting program

For stormwater discharges in EPA Region 8 outside the areas of coverage identified above, please contact your state NPDES permitting authority to obtain coverage under a state-issued NPDES permit.

#### **EPA Region 8 Address:**

EPA Region 8 Storm Water Program  
Mailcode: 8P-W-WW  
1595 Wynkoop Street  
Denver, CO 80202-1129

#### **B.9 EPA Region 9**

The permit offers coverage for stormwater discharges from construction activity from the following areas in EPA Region 9:

<b><u>Permit No.</u></b>	<b><u>Areas of Coverage/Where EPA is Permitting Authority</u></b>
<b>ASR100000</b>	Island of American Samoa
<b>AZR10I000</b>	Indian country within the State of Arizona, as well as Navajo Reservation lands in New Mexico and Utah
<b>CAR10I000</b>	Indian country within the State of California
<b>GUR100000</b>	Island of Guam
<b>JAR100000</b>	Johnston Atoll
<b>MPR100000</b>	Commonwealth of the Northern Mariana Islands
<b>MWR100000</b>	Midway Island and Wake Island
<b>NVR10I000</b>	Indian country within the State of Nevada, as well as the Duck Valley Reservation in Idaho, the Fort McDermitt Reservation in Oregon and the Goshute Reservation in Utah
<b>09R10I000</b>	All areas of Indian country not identified above that are not already covered by an EPA-approved permitting program



For stormwater discharges in EPA Region 9 outside the areas of coverage identified above, please contact your state NPDES permitting authority to obtain coverage under a state-issued NPDES permit.

**EPA Region 9 Address:**

U.S. EPA Region 9  
Water Division  
NPDES Stormwater Program (WTR-2-3)  
75 Hawthorne Street  
San Francisco, CA 94105-3901

**B.10 EPA Region 10**

The permit offers coverage for stormwater discharges from construction activity from the following areas in EPA Region 10:

<b><u>Permit No.</u></b>	<b><u>Areas of Coverage/Where EPA is Permitting Authority</u></b>
<b>AKR10I000</b>	Indian country lands as defined in 18 U.S.C. 1151 within the State of Alaska
<b>AKR10F000</b>	Denali National Park and Preserve
<b>IDR100000</b>	State of Idaho, except Indian country
<b>IDR10I000</b>	Indian country within the State of Idaho, except Duck Valley Reservation lands (see Region 9)
<b>ORR10I000</b>	Indian country within the State of Oregon, except Fort McDermitt Reservation lands (see Region 9)
<b>WAR10F000</b>	Areas in the State of Washington, except those located on Indian country, subject to construction activity by a Federal Operator
<b>WAR10I000</b>	Indian country within the State of Washington

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For stormwater discharges in EPA Region 10 outside the areas of coverage identified above, please contact your state NPDES permitting authority to obtain coverage under a state-issued NPDES permit.

**EPA Region 10 Address:**

U.S. EPA Region 10  
NPDES Stormwater Program  
1200 6th Avenue (OWW-191)  
Seattle, WA 98101-3140

## Appendix C - Small Construction Waivers and Instructions

These waivers are only available to stormwater discharges associated with small construction activities (i.e., 1-5 acres). As the operator of a small construction activity, you may be able to qualify for a waiver in lieu of needing to obtain coverage under this general permit based on: (A) a low rainfall erosivity factor, (B) a TMDL analysis, or (C) an equivalent analysis that determines allocations for small construction sites are not needed. Each operator, otherwise needing permit coverage, must notify EPA of its intention for a waiver. It is the responsibility of those individuals wishing to obtain a waiver from coverage under this general permit to submit a complete and accurate waiver certification as described below. Where the operator changes or another is added during the construction project, the new operator must also submit a waiver certification to be waived.

### C.1 Rainfall Erosivity Waiver

Under this scenario the small construction project's rainfall erosivity factor calculation ("R" in the Revised Universal Soil Loss Equation) is less than five during the period of construction activity. The operator must certify to EPA that construction activity will occur only when the rainfall erosivity factor is less than five. The period of construction activity begins at initial earth disturbance and ends with final stabilization. Where vegetation will be used for final stabilization, the date of installation of a stabilization practice that will provide interim non-vegetative stabilization can be used for the end of the construction period, provided the operator commits (as a condition of waiver eligibility) to periodically inspect and properly maintain the area until the criteria for final stabilization as defined in the CGP have been met. If use of this interim stabilization eligibility condition was relied on to qualify for the waiver, signature on the waiver with its certification statement constitutes acceptance of and commitment to complete the final stabilization process. The operator must submit a waiver certification to EPA prior to commencing construction activities.

*Note: The rainfall erosivity factor "R" is determined in accordance with Chapter 2 of Agriculture Handbook Number 703, Predicting Soil Erosion by Water: A Guide to Conservation Planning With the Revised Universal Soil Loss Equation (RUSLE), pages 21–64, dated January 1997; United States Department of Agriculture (USDA), Agricultural Research Service.*

EPA has developed an online rainfall erosivity calculator to help small construction sites determine potential eligibility for the rainfall erosivity waiver. You can access the calculator from EPA's website at: <https://www.epa.gov/npdes/rainfall-erosivity-factor-calculator-small-construction-sites>. The R factor can easily be calculated by using the construction site latitude/longitude or address and estimated start and end dates of construction. This calculator may also be useful in determining the time periods during which construction activity could be waived from permit coverage. You may find that moving your construction activity by a few weeks or expediting site stabilization will allow you to qualify for the waiver. Use this online calculator or the Construction Rainfall Erosivity Waiver Fact Sheet (<https://www.epa.gov/sites/production/files/2015-10/documents/fact3-1.pdf>) to assist in determining the R Factor for your small construction site.

If you are the operator of the construction activity and eligible for a waiver based on low erosivity potential, you can submit a rainfall erosivity waiver electronically via EPA's NPDES eReporting Tool (NeT) (<https://www.epa.gov/npdes/stormwater-discharges-construction-activities#ereporting>), unless you received a waiver from your EPA Regional Office (see Part 1.4.1 of the CGP for information about receiving a waiver from electronic reporting).

*Note: If the R factor is five or greater, you do not qualify for the rainfall erosivity waiver, and must obtain coverage under an NPDES permit (e.g., the CGP), unless you qualify for the Water Quality Waiver as described in section B below.*

If your small construction project continues beyond the projected completion date given on the waiver certification, you must recalculate the rainfall erosivity factor for the new project duration. If the R factor is below five, you must update all applicable information on the waiver certification and retain a copy of the revised waiver as part of your records. The new waiver certification must be submitted prior to the projected completion date listed on the original waiver form to assure your exemption from permitting requirements is uninterrupted. If the new R factor is five or above, you must obtain NPDES permit coverage.

## **C.2 TMDL Waiver**

This waiver is available if EPA has established or approved a TMDL that addresses the pollutant(s) of concern for the impaired water and has determined that controls on stormwater discharges from small construction activity are not needed to protect water quality. The pollutant(s) of concern include sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any waterbody that will receive a discharge from the construction activity. Information on TMDLs that have been established or approved by EPA is available from EPA online at <https://www.epa.gov/tmdl> and from state and tribal water quality agencies.

If you are the operator of the construction activity and eligible for a waiver based on compliance with an EPA-established or approved TMDL, you must provide the following information in order to be waived from permitting requirements:

1. Name, address and telephone number of the construction site operator(s);
2. Name (or other identifier), address, county or similar governmental subdivision, and latitude/longitude of the construction project or site;
3. Estimated construction start and completion (i.e., final stabilization) dates, and total acreage (to the nearest quarter acre) to be disturbed;
4. The name of the waterbody(s) that would be receiving stormwater discharges from your construction project;
5. The name and approval date of the TMDL;
6. A statement, signed and dated by an authorized representative as provided in Appendix I, Subsection I.11, that certifies that the construction activity will take place and that the stormwater discharges will occur, within the drainage area addressed by the TMDL.

## **C.3 Equivalent Analysis Waiver**

This waiver is available for discharges to non-impaired waters only. The operator can develop an equivalent analysis that determines allocations for his/her small construction site for the pollutant(s) of concern or determines that such allocations are not needed to protect water quality. This waiver requires a small construction operator to develop an equivalent analysis based on existing in-stream concentrations, expected growth in pollutant concentrations from all sources, and a margin of safety.

If you are a construction operator who wants to use this waiver, you must develop your equivalent analysis and provide the following information to be waived from permitting requirements:

1. Name, address and telephone number of the construction site operator(s);

2. Name (or other identifier), address, county or similar governmental subdivision, and latitude/longitude of the construction project or site;
3. Estimated construction start and completion (i.e., final stabilization) dates, and total acreage (to the nearest quarter acre) to be disturbed;
4. The name of the waterbody(s) that would be receiving stormwater discharges from your construction project;
5. Your equivalent analysis;
6. A statement, signed and dated by an authorized representative as provided in Appendix I, Subsection I.11, that certifies that the construction activity will take place and that the stormwater discharges will occur, within the drainage area addressed by the equivalent analysis.

#### **C.4 Waiver Deadlines and Submissions**

1. Waiver certifications must be submitted prior to commencement of construction activities.
2. If you submit a TMDL or equivalent analysis waiver request, you are not waived until EPA approves your request. As such, you may not commence construction activities until receipt of approval from EPA.
3. Late Notifications: Operators are not prohibited from submitting waiver certifications after initiating clearing, grading, excavation activities, or other construction activities. The Agency reserves the right to take enforcement for any unpermitted discharges that occur between the time construction commenced and waiver authorization is granted.

Submittal of a waiver certification is an optional alternative to obtaining permit coverage for discharges of stormwater associated with small construction activity, provided you qualify for the waiver. Any discharge of stormwater associated with small construction activity not covered by either a permit or a waiver may be considered an unpermitted discharge under the Clean Water Act. As mentioned above, EPA reserves the right to take enforcement for any unpermitted discharges that occur between the time construction commenced and either discharge authorization is granted or a complete and accurate waiver certification is submitted. EPA may notify any operator covered by a waiver that they must obtain NPDES permit coverage. EPA may notify any operator who has been in non-compliance with a waiver that they may no longer use the waiver for future projects. Any member of the public may petition EPA to take action under this provision by submitting written notice along with supporting justification.

Complete and accurate TMDL or equivalent analysis waiver requests must be sent to the applicable EPA Regional Office address specified in Appendix B.

## Appendix D - Eligibility Procedures Relating to Threatened and Endangered Species Protection

In accordance with Part 1.1.5 of the CGP, you must follow the procedures in this appendix to determine your eligibility under one of the criteria in Part D.1 of this appendix with respect to the protection of federally listed threatened or endangered species and federally designated "critical habitat" [hereinafter "threatened and endangered species"] under the Endangered Species Act (ESA) from discharges and discharge-related activities authorized under this permit. If you do not meet one of these criteria, you are not eligible for coverage under this permit.

While coordination between you and the U.S. Fish and Wildlife Service (USFWS) and/or the National Marine Fisheries Service (NMFS) (together, the "Services") is not necessarily required in all cases, EPA encourages you to coordinate with the Services, to document that coordination, and to do so early in the planning process prior to submitting your NOI.

This appendix is organized as follows:

- **Part D.1:** Threatened and Endangered Species Protection Eligibility Criteria
- **Part D.2:** Procedures for Determining Which Threatened and Endangered Species Protection Criteria Applies

### D.1 Threatened and Endangered Species Protection Eligibility Criteria

You must certify in your NOI that you meet one of the eligibility criteria listed below in order to be eligible for coverage under this permit. Once you determine the applicable eligibility criterion, you must:

- Specify the basis for your selection of the applicable eligibility criterion, and if required, provide documentation that is the basis for your determination with the NOI form; and
- Provide documentation in your SWPPP that is sufficient to support your determination that you satisfy the requirements of the applicable criterion.

The definition of "action area," which is contained in Appendix A, is repeated below for convenience.

"Action Area" – all areas to be affected directly or indirectly by the federal action and not merely the immediate area involved in the action. For the purposes of this permit and for application of the Endangered Species Act requirements, the following areas are included in the definition of action area:

- The areas on the construction site where stormwater discharges originate and flow toward the point of discharge into the receiving waters (including areas where excavation, site development, or other ground disturbance activities occur) and the immediate vicinity. (Example: Where bald eagles nest in a tree that is on or bordering a construction site and could be disturbed by the construction activity or where grading causes stormwater to flow into a small wetland or other habitat that is on the site that contains listed species.)
- The areas where stormwater discharges flow from the construction site to the point of discharge into receiving waters. (Example: Where stormwater flows into a ditch, swale, or gully that leads to receiving waters and where listed species (such as listed amphibians) are found in the ditch, swale, or gully.)
- The areas where stormwater from construction activities discharge into receiving waters and the areas in the immediate vicinity of the point of discharge. (Example: Where stormwater from construction activities discharges into a stream segment that is known to harbor listed aquatic species.)
- The areas where stormwater controls will be constructed and operated, including any areas where stormwater flows to and from the stormwater controls. (Example: Where a stormwater retention pond would be built.)

**Criterion A.** No ESA-listed species and/or designated critical habitat present in action area. Using the process outlined in Appendix D of this permit, you certify that ESA-listed species and designated critical habitat(s) under the jurisdiction of the USFWS or NMFS are not likely to occur in your site's "action area" as defined in Appendix A of this permit.

**Basis statement content:** A basis statement supporting the selection of this criterion should identify the USFWS and NMFS information sources used. Attaching aerial image(s) of the site to this NOI is helpful to EPA, USFWS, and NMFS in confirming eligibility under this criterion. Please Note: NMFS' jurisdiction includes ESA-listed marine and estuarine species that spawn in inland rivers.

**Criterion B.** Eligibility requirements met by another operator under the 2017 CGP. The construction site's discharges and discharge-related activities were already addressed in another operator's valid certification of eligibility for your "action area" under eligibility Criterion A, C, D, E, or F of the 2017 CGP and you have confirmed that no additional ESA-listed species and/or designated critical habitat under the jurisdiction of USFWS and/or NMFS not considered in the that certification may be present or located in the "action area." To certify your eligibility under this criterion, there must be no lapse of NPDES permit coverage in the other CGP operator's certification. By certifying eligibility under this criterion, you agree to comply with any conditions upon which the other CGP operator's certification was based. You must include in your NOI the NPDES ID from the other 2017CGP operator's notification of authorization under this permit. If your certification is based on another 2017 CGP operator's certification under criterion C, you must provide EPA with the relevant supporting information required of existing dischargers in criterion C in your NOI form.

**Basis statement content:** A basis statement supporting the selection of this criterion should identify the eligibility criterion of the other CGP NOI, the authorization date, and confirmation that the authorization is effective.

**Criterion C.** Discharges not likely to adversely affect ESA-listed species and/or designated critical habitat. ESA-listed species and/or designated critical habitat(s) under the jurisdiction of the USFWS and/or NMFS are likely to occur in or near your site's "action area," and you certify to EPA that your site's discharges and discharge-related activities are not likely to adversely affect ESA-listed threatened or endangered species and/or designated critical habitat. This certification may include consideration of any stormwater controls and/or management practices you will adopt to ensure that your discharges and discharge-related activities are not likely to adversely affect ESA-listed species and/or designated critical habitat. To certify your eligibility under this criterion, indicate 1) the ESA-listed species and/or designated habitat located in your "action area" using the process outlined in Appendix D of this permit; 2) the distance between the site and the listed species and/or designated critical habitat in the action area (in miles); and 3) a rationale describing specifically how adverse effects to ESA-listed species will be avoided from the discharges and discharge-related activities. You must also include a copy of your site map from your SWPPP showing the upland and in-water extent of your "action area" with this NOI.

**Basis statement content:** A basis statement supporting the selection of this criterion should identify the information resources and expertise (e.g., state or federal biologists) used to arrive at this conclusion. Any supporting documentation should explicitly state that both ESA-listed species and designated critical habitat under the jurisdiction of the USFWS and/or NMFS were considered in the evaluation.

**Criterion D.** Coordination with USFWS and/or NMFS has successfully concluded. Coordination between you and the USFWS and/or NMFS has concluded. The coordination must have addressed the effects of your site's discharges and discharge-related activities on ESA-listed species and/or designated critical habitat under the jurisdiction of USFWS and/or NMFS, and resulted in a written concurrence from USFWS and/or NMFS that your site's discharges and discharge-related activities are not likely to adversely affect listed species and/or critical habitat. You must include copies of the correspondence with the participating agencies in your SWPPP and this NOI.

**Basis statement content:** A basis statement supporting the selection of this criterion should identify whether USFWS or NMFS or both agencies participated in coordination, the field office/regional office(s) providing that coordination, and the date that coordination concluded.

**Criterion E.** ESA Section 7 consultation has successfully concluded. Consultation between a Federal Agency and the USFWS and/or NMFS under section 7 of the ESA has concluded. The consultation must have addressed the effects of the construction site's discharges and discharge-related activities on ESA-listed species and/or designated critical habitat under the jurisdiction of USFWS and/or NMFS. To certify eligibility under this criterion, Indicate the result of the consultation:

- I. biological opinion from USFWS and/or NMFS that concludes that the action in question (taking into account the effects of your site's discharges and discharge-related activities) is not likely to jeopardize the continued existence of listed species, nor the destruction or adverse modification of critical habitat; or
- II. written concurrence from USFWS and/or NMFS with a finding that the site's discharges and discharge-related activities are not likely to adversely affect ESA-listed species and/or designated critical habitat.

You must include copies of the correspondence between yourself and the USFWS and/or NMFS in your SWPPP and this NOI.

**Basis statement content:** A basis statement supporting the selection of this criterion should identify the federal action agency(ies) involved, the field office/regional office(s) providing that consultation, any tracking numbers of identifiers associated with that consultation (e.g., IPaC number, PCTS number), and the date the consultation was completed.

**Criterion F.** Issuance of section 10 permit. Potential take is authorized through the issuance of a permit under section 10 of the ESA by the USFWS and/or NMFS, and this authorization addresses the effects of the site's discharges and discharge-related activities on ESA-listed species and designated critical habitat. You must include copies of the correspondence between yourself and the participating agencies in your SWPPP and your NOI.

**Basis statement content:** A basis statement supporting the selection of this criterion should identify whether USFWS or NMFS or both agencies provided a section 10 permit, the field office/regional office(s) providing permit(s), any tracking numbers of identifiers associated with that consultation (e.g., IPaC number, PCTS number), and the date the permit was granted.

You must comply with any applicable terms, conditions, or other requirements developed in the process of meeting the eligibility criteria in this section to remain eligible for coverage under this permit. Documentation of these requirements must be kept as part of your SWPPP (see Part 7.2.9.a).

NMFS will, within 14 days of submission of the NOI, advise EPA whether it believes the planned discharges meet the eligibility criteria of not likely to adversely affect NMFS Listed Resources of Concern, whether the eligibility criterion could be met with additional conditions; or whether the eligibility criterion is not met. With respects to ESA issues, EPA recognizes NMFS expertise and will carefully consider NMFS' determination in identifying eligibility for authorization, either with or without additional conditions. In the event NMFS has placed a hold on your NOI, EPA will notify you as to whether your discharges are authorized or whether an individual permit will be required. If you do not hear from EPA within 14 days, you may assume that your discharge is authorized without further conditions.

## **D.2 Procedures for Determining Which Threatened and Endangered Species Protection Criterion Applies**

You must follow the procedures in this Part to determine the criterion listed above under which your site is eligible for permit coverage.

**D.2.1 Step 1** - Determine if Your Discharges and Discharge-Related Activities Were Already Addressed in Another Operator's Valid Certification that Included Your Action Area.

- **If your discharges and discharge-related activities were already addressed in another operator's valid certification that included your action area** (e.g., a general contractor or developer may have completed and filed an NOI for the entire action area with the necessary ESA certifications (Criterion A, C, D, E, or F)), *you may select eligibility Criterion B on your NOI form.*

By certifying eligibility under Criterion B, you must comply with any terms and conditions imposed under the eligibility requirements of the criterion for which the other operator has established eligibility (either Criterion A, C, D, E, or F) to ensure that your discharges and discharge-related activities are protective of listed species and/or critical habitat.

*Note: If you are unable to meet these eligibility requirements, then you may either establish eligibility under one of the other criterion, or you may consider applying to EPA for an individual permit.*

Under Criterion B, you must provide documentation in your SWPPP of any of these terms and conditions, as well as the other operator's basis for establishing eligibility. You must also provide a description of the basis for your selection of Criterion B on your NOI form, including the eligibility criterion (A, C, D, E, or F) that was certified to by the other operator, and must provide the NPDES ID from the other operator's notification of authorization under this permit.

If your certification is based on another operator's certification under criterion C, you must provide the documentation required in the NOI for criterion C, namely: 1) what federally listed species and/or designated habitat are located in your "action area"; and 2) the distance between your site and the listed species or designated critical habitat (in miles).

- **If discharges and discharge-related activities from your site were not addressed in another operator's valid certification that included your action area**, you must follow the applicable procedures in Steps 2 through 5 below.

**D.2.2 Step 2** - Determine if Listed Threatened or Endangered Species or their Designated Critical Habitat(s) are Likely to Occur in your Site's Action Area

You must determine, to the best of your knowledge, whether species listed as either threatened or endangered, or their critical habitat(s) (see definitions of these terms in Appendix A), are located in your site's action area. To make this determination, you should first determine if listed species and/or critical habitat are expected to exist in your county or township. The U.S. Fish and Wildlife Service and National Marine Fisheries Service maintain lists of federally listed endangered or threatened species on their internet sites.

- For National Marine Fisheries Service species and critical habitat information, use the following webpages, which provide up-to-date information on listed species (<http://www.nmfs.noaa.gov/pr/species/esa/>) and critical habitat (<http://www.nmfs.noaa.gov/pr/species/criticalhabitat.htm>). To determine the field office that corresponds to your site, go to <http://www.nmfs.noaa.gov/> (under the left tab for "Regions").

For National Marine Fisheries Service species in the Greater Atlantic Region, go to <https://www.greateratlantic.fisheries.noaa.gov/protected/index.html>.



- For Fish and Wildlife Service species information, use the on-line mapping tool IPaC (the Information, Planning, and Consultation System) located at <http://ecos.fws.gov/ipac/>, and follow these steps:
  - Select Get Started
  - Select Enter Project Location
  - Use an address, city name or other location to zoom into your project area
  - Use the zoom feature to see the entire extent of your action area on the screen
  - Use one of the mapping features (e.g., Polygon or line feature) to draw your action
- When you are done, press *Continue*.
- Select Request an Official Species List
- Complete the fields on the Official Species List Request page, and include "(CGP)" at the end of the project description. – For Classification, select "Water Quality Modification".
- Select the appropriate requesting agency/organization type (for most dischargers, this should be "Other").
- Submit the request to acquire an Official Species List, which should show both listed species as well as any designated critical habitat that are present in the action area in the previous step.
- *Note: If a link to an Official Species List is not available on the page, follow the web link of the office(s) indicated, or contact the office directly by mail or phone if a web link is not shown.*
- ***If listed species and/or critical habitat may exist in your action area, you must do one or more of the following:***
  - Conduct visual inspections. This method may be particularly suitable for construction sites that are smaller in size or located in non-natural settings such as highly urbanized areas or industrial parks where there is little or no natural habitat, or for construction activities that discharge directly into municipal stormwater collection systems.
  - Conduct a formal biological survey. In some cases, particularly for larger construction sites with extensive stormwater discharges, biological surveys may be an appropriate way to assess whether species are located in the action area and whether there are likely to be adverse effects to such species. Biological surveys are frequently performed by environmental consulting firms.
  - If required, conduct an environmental assessment under the National Environmental Policy Act (NEPA). Some construction activities might require review under NEPA for specific reasons, such as federal funding or other federal involvement in the project. Note: Coverage under the CGP does not trigger such a review for individual projects/sites. EPA has complied with NEPA in the issuance of the CGP.

**and**

- Follow the instructions in Steps 3 – 5 below, as applicable. Note that many but not all measures imposed to protect listed species under these steps will also protect critical habitat. Thus, meeting the eligibility requirements of this CGP may require measures to protect critical habitat that are separate from those to protect listed species.

- **If there are no listed species and no critical habitat areas in your action area**, you may check *eligibility criterion A* on your NOI form. You must also provide a description of the basis for the criterion selected on your NOI form and provide documentation supporting the criterion selected in your SWPPP.

**D.2.3 Step 3 - Determine if the Construction Activity's Discharges or Discharge-Related Activities Are Likely to Adversely Affect Listed Threatened or Endangered Species or Designated Critical Habitat**

If in Step 2 you determine that listed species and/or critical habitat could exist in your action area, you must next assess whether your discharges or discharge-related activities are likely to adversely affect listed threatened or endangered species or designated critical habitat.

Potential adverse effects from discharges and discharge-related activities include:

- *Hydrological.* Stormwater discharges may cause siltation, sedimentation, or induce other changes in receiving waters such as temperature, salinity, or pH. These effects will vary with the amount of stormwater discharged and the volume and condition of the receiving water. Where a stormwater discharge constitutes a minute portion of the total volume of the receiving water, adverse hydrological effects are less likely. Construction activity itself may also alter drainage patterns on a site where construction occurs that can impact listed species or critical habitat.
- *Habitat.* Excavation, site development, grading, and other surface disturbance activities from construction activities, including the installation or placement of stormwater controls, may adversely affect listed species or their habitat. Stormwater may drain or inundate listed species habitat.
- *Toxicity.* In some cases, pollutants in stormwater may have toxic effects on listed species.

The scope of effects to consider will vary with each site. If you are having difficulty determining whether your project is likely to adversely affect listed species or critical habitat, or one of the Services has already raised concerns to you, you should contact the appropriate Services office for assistance.

- **If adverse effects to listed threatened or endangered species or their critical habitat are not likely**, then you may select *eligibility criterion C* on the NOI form. You must provide the following specific information on your NOI form: 1) the federally listed species and/or designated habitat are located in your "action area"; and 2) the distance between your site and the listed species or designated critical habitat (in miles). You must also provide a copy of your site map with your NOI.
- **If adverse effects to listed threatened or endangered species or their critical habitat are likely**, you must follow Step 4 below.

**D.2.4 Step 4 - Determine if Measures Can Be Implemented to Avoid Adverse Effects**

If you make a preliminary determination in Step 3 that adverse effects from your construction activity's discharges or discharge-related activities are likely to occur, you can still receive coverage under eligibility criterion C of the CGP if appropriate measures are undertaken to avoid or eliminate the likelihood of adverse effects prior to applying for CGP coverage.

These measures may involve relatively simple changes to construction activities such as re-routing a stormwater discharge to bypass an area where species are located, relocating stormwater controls, or by modifying the "footprint" of the construction activity. If you are unable to ascertain which measures to implement to avoid the likelihood of adverse effects, you must coordinate or enter into consultation with the Fish and Wildlife Service and/or National Marine Fisheries Service, in which case you would not be eligible for coverage under eligibility criterion C, but may instead be eligible for coverage under eligibility criterion D, E, or F (described in more detail in Step 5).

- **If you are able to install and implement appropriate measures to avoid the likelihood of adverse effects**, then you may check eligibility criterion C on the NOI form. The measures you adopt to avoid or eliminate adverse effects must be implemented for the duration of the construction project and your coverage under the CGP. You must also provide a description of the basis for the criterion selected, and the following specific information on your NOI form: 1) the federally listed species and/or designated habitat are located in your "action area"; and 2) the distance between your site and the listed species or designated critical habitat (in miles).
- **If you cannot ascertain which measures to implement to avoid the likelihood of adverse effects**, you must follow the procedures in Step 5.

**D.2.5 Step 5 - Determine if the Eligibility Requirements of Criterion D, E, or F Can Be Met**

If in Step 4 you cannot ascertain which measures to implement to avoid the likelihood of adverse effects, you must contact the Fish and Wildlife Service and/or the National Marine Fisheries Service. You may still be eligible for CGP coverage if likely adverse effects can be addressed through meeting criterion D, E, or F.

- **Criterion D:** Coordination between you and the Services has concluded. The coordination must have addressed the effects of your site's discharges and discharge-related activities on federally-listed threatened or endangered species and federally-designated critical habitat, and resulted in a written concurrence from the relevant Service(s) that your site's discharges and discharge-related activities are not likely to adversely affect listed species or critical habitat.

If you have met the requirements of criterion D, you may select eligibility criterion D on the NOI form. You must provide a description of the basis for the criterion selected on your NOI form and must include copies of the correspondence between you and the applicable Service in your SWPPP.

- **Criterion E:** Consultation between a Federal Agency and the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service under section 7 of the ESA has concluded. The consultation must have addressed the effects of the construction site's discharges and discharge-related activities on federally-listed threatened or endangered species and federally-designated critical habitat. The result of this consultation must be either (1) a biological opinion that concludes that the action in question (taking into account the effects of your site's discharges and discharge-related activities) is not likely to jeopardize the

continued existence of listed species, nor the destruction or adverse modification of critical habitat; or (2) written concurrence from the applicable Service(s) with a finding that the site's discharges and discharge-related activities are not likely to adversely affect federally-listed species or federally-designated habitat.

For more information on section 7 consultation, see 50 CFR §402. If you receive a "jeopardy opinion," you may continue to work with the Fish and Wildlife Service and/or National Marine Fisheries Service and your permitting authority to modify your project so that it will not jeopardize listed species or designated critical habitat.

Note that most consultations are accomplished through informal consultation. When conducting informal ESA section 7 consultation as a non-federal representative, you must follow the procedures found in 50 CFR Part 402 of the ESA regulations. You must notify the Services of your intention and agreement to conduct consultation as a non-federal representative.

Consultation may also occur in the context of another federal action at the construction site (e.g., where ESA section 7 consultation was performed for issuance of a wetlands dredge and fill permit for the project or where a NEPA review is performed for the project that incorporates a section 7 consultation).

Any terms and conditions developed through consultations to protect listed species and critical habitat must be incorporated into the SWPPP. As noted above, operators may, if they wish, initiate consultation with the Services at Step Four.

Whether ESA section 7 consultation must be performed with either the Fish and Wildlife Service, National Marine Fisheries Service, or both Services depends on the listed species that may be affected by the operator's activity. In general, the National Marine Fisheries Service has jurisdiction over marine, estuarine, and anadromous species. Operators should also be aware that while formal section 7 consultation provides protection from incidental takings liability, informal consultation does not.

If you have met the requirements of criterion E, *you may select eligibility criterion E on the NOI form*. You must provide a description of the basis for the criterion selected on your NOI form and must include copies of the correspondence between yourself and the Services in your SWPPP.

- **Criterion F:** Your construction activities are authorized through the issuance of a permit under section 10 of the ESA, and this authorization addresses the effects of the site's discharges and discharge-related activities on federally-listed species and federally-designated critical habitat.

You must follow Fish and Wildlife Service and/or National Marine Fisheries Service procedures when applying for an ESA section 10 permit (see 50 CFR §17.22(b)(1) for Fish and Wildlife Service and §222.22 for National Marine Fisheries Service). Application instructions for section 10 permits can be obtained from <http://www.fws.gov> and <http://www.nmfs.noaa.gov> or by contacting the appropriate Service office.

If you have met the requirements of criterion F, *you may select eligibility criterion F on the NOI form*. You must provide a description of the basis for the criterion selected on your NOI form and must include copies of the correspondence between yourself and the Services in your SWPPP.

## Appendix E – Historic Property Screening Process

### Background

Section 106 of the National Historic Preservation Act (NHPA) requires Federal agencies to take into account the effects of Federal “undertakings”, such as the issuance of this permit, on historic properties that are either listed on, or eligible for listing on, the National Register of Historic Places. To address any issues relating to historic properties in connection with the issuance of this permit, EPA developed the screening process in this appendix that enables construction operators to appropriately consider the potential impacts, if any, of their installation of stormwater controls on historic properties and to determine whether actions can be taken, if applicable, to mitigate any such impacts. Although the coverages of individual construction sites under this permit do not constitute separate Federal undertakings, the screening process in this appendix provides an appropriate site-specific means of addressing historic property issues in connection with EPA’s issuance of the permit.

#### Key Terms

**Historic property**- prehistoric or historic districts, sites, buildings, structures, or objects that are included in or eligible for inclusion in the National Register of Historic Places, including artifacts, records, and remains that are related to and located within such properties

**SHPO** – The State Historic Preservation Officer for a particular state

**THPO or Tribal representative** – The Tribal Historic Preservation Officer for a particular tribe or, if there is no THPO, the representative designated by such tribe for NHPA purposes

### Instructions for All Construction Operators

You are required to follow the screening process in this appendix to determine if your installation of stormwater controls on your site has the potential to cause effects to historic properties, and whether or not you need to contact your SHPO, THPO, or other tribal representative for further information. **You may not submit your NOI until you have completed this screening process.** The following four steps describe how applicants can meet the historic property requirements under this permit:

Step 1      *Are you installing any stormwater controls that require subsurface earth disturbance?*<sup>1</sup>

The first step of the screening process is to determine if you will install stormwater controls that cause subsurface earth disturbance. The installation of the following types of stormwater controls require subsurface earth disturbance:<sup>2</sup>

- Dikes
- Berms
- Catch Basins
- Ponds
- Ditches

<sup>1</sup> You are only required to consider earth-disturbing activities related to the installation of stormwater controls in the NHPA screening process. You are not required to consider other earth-disturbing activities at the site. If you are installing one of the above stormwater controls or another type of control that requires subsurface earth disturbance, your stormwater controls have the potential to have an effect on historic properties. If this is the case, then you must proceed to Step 2.

<sup>2</sup> This list is not intended to be exhaustive. Other stormwater controls that are not on this list may involve earth-disturbing activities and must also be examined for the potential to affect historic properties.

- Trenches
- Culverts
- Channels
- Perimeter Drains
- Swales

If you are not installing one of the above stormwater controls or another type of control that requires subsurface earth disturbance, then you may indicate this on your NOI, and no further screening is necessary. During the 14-day waiting period after submitting your NOI, the SHPO, THPO, or other tribal representative may request that EPA hold up authorization based on concerns about potential adverse effects to historic properties. EPA will evaluate any such request and notify you if any additional controls to address adverse effects to historic properties are necessary.

Step 2      *Have prior professional cultural resource surveys or other evaluations determined that historic properties do not exist, or have prior disturbances precluded the existence of historic properties?*

If you are installing a stormwater control that requires subsurface earth disturbance, you must next determine if no historic properties exist on your site based on prior professional cultural resource surveys or other evaluations, or if the existence of historic properties has been precluded because of prior earth disturbances.

If prior to your project it has already been determined that no historic properties exist at your site based on available information, including information that may be provided by your applicable SHPO, THPO, or other tribal representative, then you may indicate this on your NOI, and no further screening steps are necessary. Similarly, if prior earth disturbances have eliminated the possibility that historic properties exist on your site, you may indicate this on your NOI, and no further screening steps are necessary. After submitting your NOI, and during the 14-day waiting period, the SHPO, THPO, or other tribal representative may request that EPA hold up authorization based on concerns about potential adverse effects to historic properties. EPA will evaluate any such request and notify you if any additional measures to address adverse effects to historic properties are necessary.

If neither of these circumstances exists for your project, you must proceed to Step 3.

Step 3      *If you are installing any stormwater controls that require subsurface earth disturbance, you must determine if these activities will have an effect on historic properties.*

If your answer to the question in Step 2 is "no", then you must assess whether your earth-disturbing activities related to the installation of stormwater controls will have an effect on historic properties. This assessment may be based on historical sources, knowledge of the area, an assessment of the types of earth-disturbing activities you are engaging in, considerations of any controls and/or management practices you will adopt to ensure that your stormwater control-related earth-disturbing activities will not have an effect on historic properties, and any other relevant factors. If you determine based on this assessment that earth disturbances related to the installation of your stormwater controls will have no effect on historic properties, you may indicate this on your NOI, and document the basis for your determination in your SWPPP, and no further screening steps are necessary. After submitting your NOI, and during the 14-day waiting period, the SHPO, THPO, or other tribal representative may request that EPA hold up authorization based on concerns about potential adverse effects to historic properties. EPA will evaluate any such request and notify you if any additional measures to address adverse effects to historic properties are necessary.

If none of the circumstances in Steps 1 - 3 exist for your project, you must proceed to Step 4.

**Step 4:** *If you are installing any stormwater controls that require subsurface earth disturbance and you have not satisfied the conditions in Steps 1 - 3, you must contact and consult with the appropriate historic preservation authorities.*

Where you are installing stormwater controls that require subsurface earth disturbance, and you cannot determine in Step 3 that these activities will have no effect on historic properties, then you must contact the relevant SHPO, THPO, or other tribal representative to request their views as to the likelihood that historic properties are potentially present on your site and may be impacted by the installation of these controls.

*Note: Addresses for SHPOs and THPOs may be found on the Advisory Council on Historic Preservation's website ([www.achp.gov/programs.html](http://www.achp.gov/programs.html)). If a tribe does not have a THPO, you should contact the appropriate tribal government office designated by the tribe for this purpose.*

You must submit the following minimum information in order to properly initiate your request for information:

1. Project name (i.e., the name or title most commonly associated with your project);
2. A narrative description of the project;
3. Name, address, phone and fax number, and email address (if available) of the operator;
4. Most recent U.S. Geological Survey (USGS) map section (7.5 minute quadrangle) showing actual project location and boundaries clearly indicated; and
5. Sections of the SWPPP site map (see Part 7.2.4) that show locations where stormwater controls that will cause subsurface earth disturbance will be installed (see Step 1).

Without submitting this minimum information, you will not have been considered to have properly initiated your request. You will need to provide the SHPO, THPO, or other tribal representative **a minimum of 15 calendar days** after they receive these materials to respond to your request for information about your project.

If you do not receive a response within 15 calendar days after receipt by the SHPO, THPO, or other tribal representative of your request, then you may indicate this on your NOI, and no further screening steps are necessary. Or, if the applicable SHPO, THPO, or other tribal representative responds to your request with an indication that no historic properties will be affected by the installation of stormwater controls at your site, then you may indicate this on your NOI, and no further screening steps are necessary. After submitting your NOI, and during the 14-day waiting period, the SHPO, THPO, or other tribal representative may request that EPA hold up authorization based on concerns about potential adverse effects to historic properties. EPA will evaluate any such request and notify you if any additional measures to address adverse effects to historic properties are necessary.

If within 15 calendar days of receipt of your request the applicable SHPO, THPO, or other tribal representative responds with a request for additional information or for further consultation regarding appropriate measures for treatment or mitigation of effects on historic properties caused by the installation of stormwater controls on your site, you must comply with this request and proceed to Step 5.

**Step 5:** *Consultation with your applicable SHPO, THPO, or other tribal representative.*

If, following your discussions with the appropriate historic preservation authorities in Step 4, the applicable SHPO, THPO, or tribal representative requests additional information or further consultation, you must respond with such information or consult to determine impacts to historic properties that may be caused by the installation of stormwater controls on your site and appropriate measures for treatment or mitigation of such impacts. If as a result of your

discussions with the applicable SHPO, THPO, or tribal representative, you enter into, and comply with, a written agreement regarding treatment and/or mitigation of impacts on your site, then you may indicate this on your NOI, and no further screening steps are necessary.

If, however, agreement on an appropriate treatment or mitigation plan cannot be reached between you and the SHPO, THPO, or other tribal representative within 30 days of your response to the SHPO, THPO, or other tribal representative's request for additional information or further consultation, you may submit your NOI, but you must indicate that you have not negotiated measures to avoid or mitigate such effects. You must also include in your SWPPP the following documentation:

1. Copies of any written correspondence between you and the SHPO, THPO, or other tribal representative; and
2. A description of any significant remaining disagreements as to mitigation measures between you and the SHPO, THPO, or other tribal representative.

After submitting your NOI, and during the 14-day waiting period, the SHPO, THPO, ACHP or other tribal representative may request that EPA place a hold on authorization based upon concerns regarding potential adverse effects to historic properties. EPA, in coordination with the ACHP, will evaluate any such request and notify you if any additional measures to address adverse effects to historic properties are necessary.



## Appendix F - List of Tier 3, Tier 2, and Tier 2.5 Waters

EPA's CGP has special requirements for discharges to waters that receive Tier 2, Tier 2.5, or Tier 3 protections for antidegradation purposes. See Parts 1.1.8 and 3.2.

EPA's antidegradation regulation, at 40 CFR 131.12, provides a framework for maintaining and protecting water quality for: (1) existing uses (known as "Tier 1"); (2) high quality waters by establishing a process for authorizing the lowering of water quality where existing water quality exceeds levels needed to support propagation of fish, shellfish, and wildlife and recreation in and on the water (known as "Tier 2"); and (3) for Outstanding National Resource Waters (known as "Tier 3"). While EPA's antidegradation regulation only outlines three levels of antidegradation protection, some states and tribes include an additional level of antidegradation protection between Tier 2 and Tier 3 (sometimes known as "Tier 2.5").

High quality (Tier 2) waters may be identified on a parameter-by-parameter basis or on a water body-by-water body basis consistent with the requirements of 40 CFR 131.12(a)(2). States and tribes using a parameter-by-parameter basis (sometimes called a "pollutant-by-pollutant approach") do not maintain a list of Tier 2 waters, but instead identify a high quality water at the time an entity proposes an activity that would lower water quality. In contrast, states and tribes using a water body-by-water body basis typically identify high quality waters in advance on a list by weighing a variety of factors (e.g., chemical, physical, biological, and other information) to classify a water body's overall quality.

The list below is provided as a resource for operators who must determine whether they discharge to a Tier 2, Tier 2.5, or Tier 3 water. Where available, the table lists waters specifically identified for Tier 2, Tier 2.5, or Tier 3 protection by a water quality standard authority (e.g., a state or tribe). Operators should not assume that a water does not receive Tier 2, Tier 2.5, or Tier 3 protection solely based on the absence of information in this table. Evaluation regarding antidegradation protections for a specific water may need to be done on a case-by-case basis, especially where the state or tribe uses the parameter-by-parameter approach to identify whether water quality is better than necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water.

Permit Number	Areas of Coverage/Where EPA Is Permitting Authority	
MAR100000	<b>Commonwealth of Massachusetts, except Indian Country lands</b>	
	Tier 2, Tier 2.5, and 3 waters are identified and listed in the Massachusetts Water Quality Standards 314 CMR 4.00. Surface water qualifiers that correspond with Tier classifications are defined at 314 CMR 4.06(1)(d)m and listed in tables and figures at the end of 314 CMR 4.06. See MassDEP's web page at: <a href="http://www.mass.gov/eea/agencies/massdep/water/regulations/314-cmr-4-00-mass-surface-water-quality-standards.html">http://www.mass.gov/eea/agencies/massdep/water/regulations/314-cmr-4-00-mass-surface-water-quality-standards.html</a> . See also: <a href="https://www.epa.gov/wqs-tech/water-quality-standards-regulations-massachusetts">https://www.epa.gov/wqs-tech/water-quality-standards-regulations-massachusetts</a>	
	Tier 2	Listed as "High Quality Waters", and all wetlands that are not designated as an Outstanding Resource Water.
	Tier 2.5	Listed as "Outstanding Resource Water", "Public Water Supply", "Tributary to Public Water Supply", all wetlands bordering Outstanding Resource Waters, and vernal pools.
	Tier 3	Defined as "Special Resource Water". Note: No waters have been identified as a Special Resource Water as of the issuance of this permit.

Permit Number	Areas of Coverage/Where EPA Is Permitting Authority	
NHR100000	<b>State of New Hampshire</b>	
	Tier 2 waters are identified on a parameter-by-parameter basis. Tier 2.5 and 3 waters are identified and listed in the New Hampshire Water Quality Standards CHAPTER Env-Wq 1700. Description of the antidegradation tiers are included at CHAPTER Env-Wq 1708 and listed in the tables at. New dischargers and new sources should contact EPA Region 1's stormwater coordinator found at <a href="https://www.epa.gov/npdes/contact-us-stormwater#regional">https://www.epa.gov/npdes/contact-us-stormwater#regional</a> . See also: <a href="https://www.epa.gov/wqs-tech/water-quality-standards-regulations-new-hampshire">https://www.epa.gov/wqs-tech/water-quality-standards-regulations-new-hampshire</a>	
	Tier 3	Env-Ws 1708.05(a) Surface waters of national forests and surface waters designated as "natural" under RSA 483:7-a, I shall be considered outstanding resource waters (ORW). "Natural waters" are listed at <a href="http://www.gencourt.state.nh.us/rsga/html/L/483/483-15.htm">http://www.gencourt.state.nh.us/rsga/html/L/483/483-15.htm</a> . Surface waters of national forests are not included in an official list. For further questions, new dischargers and new sources should contact EPA Region 1's stormwater coordinator found at <a href="https://www.epa.gov/npdes/contact-us-stormwater#regional">https://www.epa.gov/npdes/contact-us-stormwater#regional</a> .
NYR101000	<b>Saint Regis Mohawk Tribe (NY)</b>	
	Tier 2 waters are identified on a parameter-by-parameter basis. There is not a Tier 2.5 classification identified in the Saint Regis Mohawk Tribe Water Quality Standards. New dischargers and new sources should contact EPA Region 2's stormwater coordinator found at <a href="https://www.epa.gov/npdes/contact-us-stormwater#regional">https://www.epa.gov/npdes/contact-us-stormwater#regional</a> . See: <a href="https://www.epa.gov/sites/production/files/2014-12/documents/stregis-tribe.pdf">https://www.epa.gov/sites/production/files/2014-12/documents/stregis-tribe.pdf</a>	
	Tier 3	Outstanding Resource Waters. Those waters designated as such by the Tribe. The Waters that may be considered for designation as Outstanding Resource Waters include, but are not limited to, water bodies that are recognized as: (i) Important because of protection through official action, such as Tribal, Federal or State law, Presidential or secretarial action, international treaty, or interstate compact; (ii) Having exceptional recreational significance; (iii) Having exceptional ecological significance; (iv) Having other special environmental, recreational, religious or ecological attributes; or waters whose designation as Outstanding Resource Waters is reasonably necessary for the protection of other waters so designated. New dischargers and new sources should contact EPA Region 2's stormwater coordinator found at <a href="https://www.epa.gov/npdes/contact-us-stormwater#regional">https://www.epa.gov/npdes/contact-us-stormwater#regional</a> .

Permit Number	Areas of Coverage/Where EPA Is Permitting Authority	
PRR100000	<b>Commonwealth of Puerto Rico</b>	
	Tier 2 waters are identified on a parameter-by-parameter basis. There is not a Tier 2.5 classification identified in the Puerto Rico Water Quality Standards. New dischargers and new sources should contact EPA Region 2's stormwater coordinator found at <a href="https://www.epa.gov/npdes/contact-us-stormwater#regional">https://www.epa.gov/npdes/contact-us-stormwater#regional</a> . See: <a href="https://www.epa.gov/wqs-tech/water-quality-standards-regulations-puerto-rico">https://www.epa.gov/wqs-tech/water-quality-standards-regulations-puerto-rico</a>	
	Tier 3	Tier III waters are those which are classified as either Class SA or Class SE. Class SA waters are defined as "Coastal waters and estuarine waters of high quality and/or exceptional ecological or recreational value whose existing characteristics shall not be altered, except by natural causes, in order to preserve the existing natural phenomena." Class SA waters include bioluminescent lagoons and bays such as La Parguera and Monsio José on the Southern Coast, Bahía de Mosquito in Vieques, and any other coastal or estuarine waters of exceptional quality of high ecological value or recreational which may be designated by Puerto Rico, through Resolution, as requiring this classification for protection of the waters. Class SE waters are defined as "Surface waters and wetlands of exceptional ecological value, whose existing characteristics should not be altered in order to preserve the existing natural phenomena." Class SE waters include Laguna Tortuguero, Laguna Cartagena and any other surface water bodies of exceptional ecological value as may be designated by Puerto Rico through Resolution.
DCR100000	<b>District of Columbia</b>	
	New dischargers and new sources should contact EPA Region 3's stormwater coordinator found at <a href="https://www.epa.gov/npdes/contact-us-stormwater#regional">https://www.epa.gov/npdes/contact-us-stormwater#regional</a> . Tier 2.5 waters are identified and listed in the District of Columbia Water Quality Standards. See: <a href="https://www.epa.gov/wqs-tech/water-quality-standards-regulations-washington-dc">https://www.epa.gov/wqs-tech/water-quality-standards-regulations-washington-dc</a>	
	Tier 2.5	Rule 1102.4 SPECIAL WATERS OF THE DISTRICT OF COLUMBIA (SWDC): Any segment or segments of the surface waters of the District that are of water quality better than needed for the current use or have scenic or aesthetic importance shall be designated as Special Waters of the District of Columbia (SWDC). Rock Creek and its tributaries and Battery Kemble Creek and its tributaries are considered Special Waters of the District of Columbia (SWDC) under its antidegradation program.
FLR101000	<b>Miccosukee Tribe (FL)</b>	
	New dischargers and new sources should contact EPA Region 4's stormwater coordinator found at <a href="https://www.epa.gov/npdes/contact-us-stormwater#regional">https://www.epa.gov/npdes/contact-us-stormwater#regional</a> . The Miccosukee Tribe Water Quality Standards includes an additional tier of protection between Tier 2 and 3 that is referred as Tier 2 ¾ for Outstanding Miccosukee Waters. See: <a href="https://www.epa.gov/wqs-tech/water-quality-standards-regulations-miccosukee-tribe-indians-florida">https://www.epa.gov/wqs-tech/water-quality-standards-regulations-miccosukee-tribe-indians-florida</a>	

Permit Number	Areas of Coverage/Where EPA Is Permitting Authority	
	Tier 2 $\frac{3}{4}$	<p>Outstanding Miccosukee Waters (OMW): The Miccosukee Tribe recognizes that the waters of its Federal Reservation which are contained within Water Conservation Area 3-A and the Miccosukee Reserved Area constitute the Tribe's highest quality waters and must be preserved in as pristine a condition as possible while at the same time allowing for the activities of man. These ecologically important waters are essential to the survival of the Miccosukee Tribe, therefore: The Miccosukee Tribe hereby designates the waters of its Federal Reservation which are contained within Water Conservation Area 3-A (North Grass, South Grass, Gap) and Miccosukee Reserved Area as Class III-A and Outstanding Miccosukee waters (OMW). The North Grass is defined as that area bounded by the northern boundary of the reservation, the eastern edge of the L-28 levee (which is east of the L-28 canal), the southern edge of the C-60 Canal, and the eastern boundary of the reservation. The South Grass is defined as the area bounded by southern edge of the C-60 canal, the eastern boundary of the reservation, the southern boundary of the reservation, the eastern edge of the L-28 canal (which is south of the L-28 Tieback Canal), a line running north from the L-28 Canal (where the L-28 Canal turns northwest to become the L-28 Tieback Canal) until this line intersects the oil pipeline, the center of the oil pipeline until the oil pipeline intercepts the L-28 Interceptor Canal, and the eastern edge of the L-28 levee (which is east of the L-28 Canal). The Gap is defined as that area which is bounded by the southern boundary of the reservation, the western boundary of the reservation, the northeastern edge of the L-28 Interceptor Canal, the oil pipeline which runs generally south from the L-28 Interceptor Canal until the pipeline intercepts a line running north from the L-28 Canal where the L-28 canal turns northwest to become the L-28 Tieback Canal, and the eastern edge of the L-28 canal (which is south of the L-28 Tieback Canal).</p>
	Tier 3	<p>Tier 3: Outstanding Natural Resource Waters (ONRW): Where high quality waters constitute an Outstanding Tribal resource such as waters of parks and wildlife refuges and waters of exceptional ecological and recreational significance, that water quality shall be maintained and protected. These waters shall be designated as Outstanding Natural Resource Waters (ONRW). Currently, no Tribal waters are designated as ONRW.</p>
	<b>Seminole Tribe (FL)</b>	
	<p>New dischargers and new sources should contact EPA Region 4's stormwater coordinator found at <a href="https://www.epa.gov/npdes/contact-us-stormwater#regional">https://www.epa.gov/npdes/contact-us-stormwater#regional</a>. See also: <a href="https://www.epa.gov/sites/production/files/2014-12/documents/seminole_floridawqs.pdf">https://www.epa.gov/sites/production/files/2014-12/documents/seminole_floridawqs.pdf</a></p>	

Permit Number	Areas of Coverage/Where EPA Is Permitting Authority	
MNR10I000	<b>Fond du Lac Band of MN Chippewa</b>	
	Tier 2 waters are identified on a parameter-by-parameter basis. There is not a Tier 2.5 classification identified in the Fond du Lac Band of MN Chippewa Water Quality Standards. New dischargers and new sources should contact EPA Region 5's stormwater coordinator found at <a href="https://www.epa.gov/npdes/contact-us-stormwater#regional">https://www.epa.gov/npdes/contact-us-stormwater#regional</a> . See: <a href="https://www.epa.gov/wqs-tech/water-quality-standards-regulations-fond-du-lac-band-minnesota-chippewa-tribe">https://www.epa.gov/wqs-tech/water-quality-standards-regulations-fond-du-lac-band-minnesota-chippewa-tribe</a>	
	Tier 3	Six Lakes are presently identified as Tier 3/Outstanding Reservation Resource Waters (ORRW): (1) Dead Fish Lake; (2) Jaskari Lake; (3) Miller (Mud) Lake; (4) Perch Lake; (5) Rice Portage Lake; (6) Wild Rice Lake.
	<b>Grand Portage Band of MN Chippewa</b>	
	Tier 2 waters are identified on a parameter-by-parameter basis. Two subcategories of protection (referred to as outstanding tribal water resource (OTWR)) exist in the Grand Portage Band of MN Chippewa Water Quality Standards as follows: (a) OTWR-Restricted (lowered water quality may be allowed under limited circumstances); (b) OTWR-Prohibited (Discharges and permanent lowering of water quality are prohibited). New dischargers and new sources should contact EPA Region 5's stormwater coordinator found at <a href="https://www.epa.gov/npdes/contact-us-stormwater#regional">https://www.epa.gov/npdes/contact-us-stormwater#regional</a> . See: <a href="https://www.epa.gov/wqs-tech/water-quality-standards-regulations-grand-portage-band-minnesota-chippewa-tribe">https://www.epa.gov/wqs-tech/water-quality-standards-regulations-grand-portage-band-minnesota-chippewa-tribe</a>	
	Tier 2	OTWR-Restricted: All waters, not already classified as Tier 3, are high quality Tier 2 waters (see Grand Portage Reservation Water Quality Standards, Section VI & VII, Pages 14-16).
WIR10I000	Tier 3	OTWR-Prohibited: "The portion of Lake Superior north of latitude 47 degrees, 57 minutes, 13 seconds, east of Hat Point, south of the Minnesota-Ontario boundary, and west of the Minnesota-Michigan boundary" (see Section VII, Page 16).
	<b>Bad River Band of Lake Superior Chippewa (WI)</b>	
	Tier 2 waters are identified on a water body-by-water body basis. Tier 2, 2.5, and 3 classifications are included in the Bad River Band of Lake Superior Chippewa Water Quality Standards. See: <a href="https://www.epa.gov/wqs-tech/water-quality-standards-regulations-bad-river-band-lake-superior-chippewa-tribe">https://www.epa.gov/wqs-tech/water-quality-standards-regulations-bad-river-band-lake-superior-chippewa-tribe</a>	
	Tier 2	Any surface water not specifically classified as Outstanding Tribal Resource Water or Outstanding Resource Water is classified as Exceptional Resource Water (Anishinaabosibiing).
	Tier 2.5	Outstanding Resource Waters: a portion of Bad River, from downstream the confluence with the White River to Lake Superior, White River, Marengo River, Graveyard Creek, Bear Trap Creek, Wood Creek, Brunsweller River, Tyler Forks, Bell Creek, and Vaughn Creek.

Permit Number	Areas of Coverage/Where EPA Is Permitting Authority	
	Tier 3	Outstanding Tribal Resource Waters: Kakagon Slough and the lower wetland reaches of its tributaries that support wild rice, Kakagon River, Bad River Slough, Honest John Lake, Bog Lake, a portion of Bad River, from where it enters the Reservation through the confluence with the White River, and Potato River.
	<b>Lac du Flambeau Band of the Lake Superior Chippewa</b>	
	Tier 2 waters are identified on a water body-by-water body basis. Tier 2, 2.5, and 3 classifications are included in the Lac du Flambeau Band of the Lake Superior Chippewa Water Quality Standards. See: <a href="https://www.epa.gov/wqs-tech/water-quality-standards-regulations-lac-du-flambeau-band-lake-superior-chippewa-tribe">https://www.epa.gov/wqs-tech/water-quality-standards-regulations-lac-du-flambeau-band-lake-superior-chippewa-tribe</a>	
	Tier 2	All named waters, including wetlands, not specified under an Antidegradation classification are classified as Tribal Resource Water (Tier 2). Unclassified Named Waters (Tier 2): Buckskin Lake; Flambeau Lake; Long (Interlaken) Lake; Marland's Lake (Sec. 13, T40NR4E); Moss Lake; Pokegema Lake.
	Tier 2.5	Exceptional Tribal Resource Waters: Bills Lake, Birch Lake, Bobidosh Lake, Bog Lake (SE SE Sec. 31, T40NR6E), Bolton Lake, Broken Bow Lake, Chewalah Lake, Clear Lake (Sec. 2, T39NR4E), Corn Great, Great, Corn Lake, Little "Least/Lesser", Crawling Stone Lake, Big, Crawling Stone Lake, Little, Crescent Lake, Crooked Lake, Big, David Lake, Ellerson Lake, Middle, Ellerson Lake, West, Elsie Lake "Boundary Lake", Fat Lake, Fence Lake, Gresham Creek, Green Lake (NW NW Sec. 19, T41R6E), Grey Lake, Gunlock Lake, Haskell Lake, Headflyer Lake (Sec. 19, T41NR5E), Highway Lake (NW NW Sec. 19, T41NR5E), Horsehead Lake (SE SW Sec. 9, T40NR5E), Hutton's Creek, Ike Walton Lake, Lily Lake (SE SW Sec. 35, T40NR5E), Little Ten Lake, Lodge Lake "L. Rice" (NW NW Sec. 8, T41NR6E), Lucy Lake, Mindys Lake (Sec. 8, T40NR5E), Minette Lake, Mitten Lake, Monk's Lake (Sec. 13, T40NR5E), Moving Cloud Lake, Mud Creek, Muskesin Lake, Patterson Lake, Placid Twin Lake (North), Placid Twin Lake (South), Plummer Lake, Poupart Lake, Prairie Lake (NE SW Sec. 13, T40NR4E), Raven Lake, Ross Allen Lake, Sand Lake, Little, Scott Lake (Sec. 22, T40N, R4E), Shishebogama Lake, Signal Lake, Snort Lake (Sec. 5, T41N, R6E), Spring Lake "Jerms", Squirrel Lake, Statenaker Lake "Hollow", Stearns Lake "Hourglass", Sugarbush "Hidden Lake" (NW NW Sec. 17, T41NR5E), Sugarbush Creek, Sugarbush Lake, Little, Sugarbush Lake, Lower, Sugarbush Lake, Middle, Sugarbush Lake, Upper, Sunfish Lake, Tippecanoe Lake, Tomahawk River, To-To Tom Lake, Toulsh Lake, Trout River, Warrior Lake, White Sand Lake, Whitefish Lake "Cattail Lake" (Sec. 34, T40N5R), Wishow Lake, Wyandock Lake.
	Tier 3	Outstanding Tribal Resource Waters: Bear River (1st bridge to Reservation boundary), Big Springs (Sec. 25, T40NR4E), Black Lake, Cranberry Lake, Doud Lake, Eagle Lake, Gene Lake, Johnson Springs, Little Trout Lake, Lost Lake (Sect. 1, T41NR4E), Mishonagon Creek, Munnomin (Jesse, Duck) Lake, Negani (Hegani) Lake, Reservation Line Lake, Spring Creek, Tank Lake, Thomas Lake, Wild Rice Lake, Zee Lake.



Permit Number	Areas of Coverage/Where EPA Is Permitting Authority			
NMR100000	<b>State of New Mexico</b>			
	Tier 2 waters are identified on a parameter-by-parameter basis. There is not a Tier 2.5 classification identified in the State of New Mexico Water Quality Standards. New dischargers and new sources should contact EPA Region 6's stormwater coordinator found at <a href="https://www.epa.gov/npdes/contact-us-stormwater#regional">https://www.epa.gov/npdes/contact-us-stormwater#regional</a> . See: <a href="https://www.epa.gov/wqs-tech/water-quality-standards-regulations-new-mexico">https://www.epa.gov/wqs-tech/water-quality-standards-regulations-new-mexico</a>			
	<table> <tr> <td>Tier 2</td><td>If you need assistance determining if your discharge is to a Tier 2 waterbody, please contact the NMED Surface Water Quality Bureau's Stormwater Program at <a href="https://www.env.nm.gov/swqb/StormWater/index.html">https://www.env.nm.gov/swqb/StormWater/index.html</a>.</td></tr> <tr> <td>Tier 3</td><td>See <a href="https://www.env.nm.gov/swqb/ONRW/">https://www.env.nm.gov/swqb/ONRW/</a> for current list of NMED's Tier 3/Outstanding National Resource Waters. See also New Mexico's Water Quality Standards at 20.6.4.9.D NMAC.</td></tr> </table>	Tier 2	If you need assistance determining if your discharge is to a Tier 2 waterbody, please contact the NMED Surface Water Quality Bureau's Stormwater Program at <a href="https://www.env.nm.gov/swqb/StormWater/index.html">https://www.env.nm.gov/swqb/StormWater/index.html</a> .	Tier 3
Tier 2	If you need assistance determining if your discharge is to a Tier 2 waterbody, please contact the NMED Surface Water Quality Bureau's Stormwater Program at <a href="https://www.env.nm.gov/swqb/StormWater/index.html">https://www.env.nm.gov/swqb/StormWater/index.html</a> .			
Tier 3	See <a href="https://www.env.nm.gov/swqb/ONRW/">https://www.env.nm.gov/swqb/ONRW/</a> for current list of NMED's Tier 3/Outstanding National Resource Waters. See also New Mexico's Water Quality Standards at 20.6.4.9.D NMAC.			
NMR101000	<b>Ohkay Owingeh (NM) (formerly the Pueblo of San Juan)</b>			
	New dischargers and new sources should contact EPA Region 6's stormwater coordinator found at <a href="https://www.epa.gov/npdes/contact-us-stormwater#regional">https://www.epa.gov/npdes/contact-us-stormwater#regional</a> . See also: <a href="https://www.epa.gov/wqs-tech/water-quality-standards-regulations-ohkay-owingeh-pueblo-formerly-pueblo-san-juan">https://www.epa.gov/wqs-tech/water-quality-standards-regulations-ohkay-owingeh-pueblo-formerly-pueblo-san-juan</a>			
	<b>Pueblo of Acoma (NM)</b>			
	New dischargers and new sources should contact EPA Region 6's stormwater coordinator found at <a href="https://www.epa.gov/npdes/contact-us-stormwater#regional">https://www.epa.gov/npdes/contact-us-stormwater#regional</a> . See also: <a href="https://www.epa.gov/wqs-tech/water-quality-standards-regulations-pueblo-acoma">https://www.epa.gov/wqs-tech/water-quality-standards-regulations-pueblo-acoma</a>			
	<b>Pueblo of Isleta (NM)</b>			
	New dischargers and new sources should contact EPA Region 6's stormwater coordinator found at <a href="https://www.epa.gov/npdes/contact-us-stormwater#regional">https://www.epa.gov/npdes/contact-us-stormwater#regional</a> . See also: <a href="https://www.epa.gov/wqs-tech/water-quality-standards-regulations-pueblo-isleta">https://www.epa.gov/wqs-tech/water-quality-standards-regulations-pueblo-isleta</a>			
	<b>Pueblo of Nambe (NM)</b>			
	New dischargers and new sources should contact EPA Region 6's stormwater coordinator found at <a href="https://www.epa.gov/npdes/contact-us-stormwater#regional">https://www.epa.gov/npdes/contact-us-stormwater#regional</a> . See also: <a href="https://www.epa.gov/wqs-tech/water-quality-standards-regulations-pueblo-nambe">https://www.epa.gov/wqs-tech/water-quality-standards-regulations-pueblo-nambe</a>			
	<b>Pueblo of Picuris (NM)</b>			
	New dischargers and new sources should contact EPA Region 6's stormwater coordinator found at <a href="https://www.epa.gov/npdes/contact-us-stormwater#regional">https://www.epa.gov/npdes/contact-us-stormwater#regional</a> . Tier 2, 2.5, and 3 classifications are included in the Pueblo of Picuris Water Quality Standards. See: <a href="https://www.epa.gov/wqs-tech/water-quality-standards-regulations-pueblo-picuris">https://www.epa.gov/wqs-tech/water-quality-standards-regulations-pueblo-picuris</a>			

Permit Number	Areas of Coverage/Where EPA Is Permitting Authority
	<b>Pueblo of Pojoaque (NM)</b>
	New dischargers and new sources should contact EPA Region 6's stormwater coordinator found at <a href="https://www.epa.gov/npdes/contact-us-stormwater#regional">https://www.epa.gov/npdes/contact-us-stormwater#regional</a> . See also: <a href="https://www.epa.gov/wqs-tech/water-quality-standards-regulations-pueblo-pojoaque">https://www.epa.gov/wqs-tech/water-quality-standards-regulations-pueblo-pojoaque</a>
	<b>Pueblo of Sandia (NM)</b>
	New dischargers and new sources should contact EPA Region 6's stormwater coordinator found at <a href="https://www.epa.gov/npdes/contact-us-stormwater#regional">https://www.epa.gov/npdes/contact-us-stormwater#regional</a> . See also: <a href="https://www.epa.gov/wqs-tech/water-quality-standards-regulations-pueblo-sandia">https://www.epa.gov/wqs-tech/water-quality-standards-regulations-pueblo-sandia</a>
	<b>Pueblo of Santa Ana (NM)</b>
	New dischargers and new sources should contact EPA Region 6's stormwater coordinator found at <a href="https://www.epa.gov/npdes/contact-us-stormwater#regional">https://www.epa.gov/npdes/contact-us-stormwater#regional</a> . See also: <a href="https://www.epa.gov/wqs-tech/water-quality-standards-regulations-pueblo-santa-ana">https://www.epa.gov/wqs-tech/water-quality-standards-regulations-pueblo-santa-ana</a>
	<b>Pueblo of Santa Clara (NM)</b>
	New dischargers and new sources should contact EPA Region 6's stormwater coordinator found at <a href="https://www.epa.gov/npdes/contact-us-stormwater#regional">https://www.epa.gov/npdes/contact-us-stormwater#regional</a> . See also: <a href="https://www.epa.gov/wqs-tech/water-quality-standards-regulations-pueblo-santa-clara">https://www.epa.gov/wqs-tech/water-quality-standards-regulations-pueblo-santa-clara</a>
	<b>Pueblo of Taos (NM)</b>
	New dischargers and new sources should contact EPA Region 6's stormwater coordinator found at <a href="https://www.epa.gov/npdes/contact-us-stormwater#regional">https://www.epa.gov/npdes/contact-us-stormwater#regional</a> . See also: <a href="https://www.epa.gov/wqs-tech/water-quality-standards-regulations-pueblo-taos">https://www.epa.gov/wqs-tech/water-quality-standards-regulations-pueblo-taos</a>
	Tier 3 Outstanding Tribal Resource Waters: Mountain Lakes; Mountain Streams & Springs;
	<b>Pueblo of Tesuque (NM)</b>
	New dischargers and new sources should contact EPA Region 6's stormwater coordinator found at <a href="https://www.epa.gov/npdes/contact-us-stormwater#regional">https://www.epa.gov/npdes/contact-us-stormwater#regional</a> . See also: <a href="https://www.epa.gov/wqs-tech/water-quality-standards-regulations-pueblo-tesuque">https://www.epa.gov/wqs-tech/water-quality-standards-regulations-pueblo-tesuque</a>
COR10I000	<b>Ute Mountain Ute Tribe</b>
	Tier 2 waters are identified on a parameter-by-parameter basis. There is not a Tier 2.5 classification identified in the Ute Mountain Ute Tribe Water Quality Standards. New dischargers and new sources should contact EPA Region 8's stormwater coordinator found at <a href="https://www.epa.gov/npdes/contact-us-stormwater#regional">https://www.epa.gov/npdes/contact-us-stormwater#regional</a> . See also:



Permit Number	Areas of Coverage/Where EPA Is Permitting Authority	
		<a href="https://www.epa.gov/wqs-tech/water-quality-standards-regulations-ute-mountain-ute-tribe">https://www.epa.gov/wqs-tech/water-quality-standards-regulations-ute-mountain-ute-tribe</a>
	Tier 3	Outstanding Tribal Resource Waters: 1. Ute Spring and unnamed creek from Ute Spring downstream within Section 12, TWP35N R18W (Colorado). 2. Allen Canyon Creek, Sections 17, 20, 29, 30, 31, TWP 35S, R21E (Utah) 3. "Lopez" Spring and unnamed creek tributary to and downstream from the spring, within Section 35, TWP 34N, R18W
MTR10I000	<b>Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation (MT)</b>	
	Tier 2 waters are identified on a water body-by-water body basis. There is not a Tier 2.5 classification identified in the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation Water Quality Standards. New dischargers and new sources should contact EPA Region 8's stormwater coordinator found at <a href="https://www.epa.gov/npdes/contact-us-stormwater#regional">https://www.epa.gov/npdes/contact-us-stormwater#regional</a> . See also: <a href="https://www.epa.gov/wqs-tech/water-quality-standards-regulations-assiniboine-and-sioux-tribes-fort-peck-indian">https://www.epa.gov/wqs-tech/water-quality-standards-regulations-assiniboine-and-sioux-tribes-fort-peck-indian</a>	
	Tier 2	Most Tribal Waters will qualify as Tier 2 waters. Unless the water body is not attaining the Clean Water Act Section 101 (a)(2) goals, the water body has received an OTRW designation, or there is no assimilative capacity for pollutants to protect existing and designated uses, it is likely that the water body will receive Tier 2 protection.
	<b>Confederated Salish and Kootenai Tribes of the Flathead Reservation (MT)</b>	
	Tier 2 waters are identified on a water body-by-water body basis. There is not a Tier 2.5 classification identified in the Confederated Salish and Kootenai Tribes of the Flathead Reservation Water Quality Standards. New dischargers and new sources should contact EPA Region 8's stormwater coordinator found at <a href="https://www.epa.gov/npdes/contact-us-stormwater#regional">https://www.epa.gov/npdes/contact-us-stormwater#regional</a> . See also: <a href="https://www.epa.gov/wqs-tech/water-quality-standards-regulations-confederated-salish-and-kootenai-tribes-flathead">https://www.epa.gov/wqs-tech/water-quality-standards-regulations-confederated-salish-and-kootenai-tribes-flathead</a>	
	Tier 3	The following are Tier 3 waters: All waters located within Tribally designated primitive or wilderness areas.
	<b>Northern Cheyenne (MT)</b>	
Tier 2 waters are identified on a water body-by-water body basis. There is not a Tier 2.5 classification identified in the Northern Cheyenne Water Quality Standards. New dischargers and new sources should contact EPA Region 8's stormwater coordinator found at <a href="https://www.epa.gov/npdes/contact-us-stormwater#regional">https://www.epa.gov/npdes/contact-us-stormwater#regional</a> . See also: <a href="https://www.epa.gov/wqs-tech/water-quality-standards-regulations-northern-cheyenne-tribe-northern-cheyenne-reservation">https://www.epa.gov/wqs-tech/water-quality-standards-regulations-northern-cheyenne-tribe-northern-cheyenne-reservation</a>		
ASR100000	<b>Island of American Samoa</b>	
	New dischargers and new sources should contact EPA Region 9's stormwater coordinator found at <a href="https://www.epa.gov/npdes/contact-us-stormwater#regional">https://www.epa.gov/npdes/contact-us-stormwater#regional</a> . See also: <a href="https://www.epa.gov/sites/production/files/2014-12/documents/aswqs.pdf">https://www.epa.gov/sites/production/files/2014-12/documents/aswqs.pdf</a>	

Permit Number	Areas of Coverage/Where EPA Is Permitting Authority	
AZR10I000	<b>Hopi Tribe (AZ)</b>	
	Tier 2 waters are identified on a parameter-by-parameter basis. There is not a Tier 2.5 classification identified in the Hopi Tribe Water Quality Standards. New dischargers and new sources should contact EPA Region 9's stormwater coordinator found at <a href="https://www.epa.gov/npdes/contact-us-stormwater#regional">https://www.epa.gov/npdes/contact-us-stormwater#regional</a> . See also: <a href="https://www.epa.gov/wqs-tech/water-quality-standards-regulations-hopi-tribe">https://www.epa.gov/wqs-tech/water-quality-standards-regulations-hopi-tribe</a>	
	Tier 3	Unique Waters: In the Moencopi Wash watershed, from Blue Canyon Springs to the confluence of Begashibito Wash.
	<b>Hualapai Indian Tribe (AZ)</b>	
	Tier 2 waters are identified on a parameter-by-parameter basis. There is not a Tier 2.5 classification identified in the Hualapai Indian Tribe Water Quality Standards. New dischargers and new sources should contact EPA Region 9's stormwater coordinator found at <a href="https://www.epa.gov/npdes/contact-us-stormwater#regional">https://www.epa.gov/npdes/contact-us-stormwater#regional</a> . See also: <a href="https://www.epa.gov/wqs-tech/water-quality-standards-regulations-hualapai-tribe">https://www.epa.gov/wqs-tech/water-quality-standards-regulations-hualapai-tribe</a>	
	Tier 3	Segments assigned as Tier 3: Spencer; Meriwhitica; Willow Spring; Upper Milkweed Spring; Bridge Canyon; Travertine Spring; Travertine Falls; Diamond Creek; Diamond Creek Spring; Blue Mountain; Metuck; Peach Springs Spring; Westwater; Clay Tank; Hockey Puck; Pocamote Spring; Mohawk Spring; Granite Spring; Three Spring; Warm Spring; Honga Spring; National Canyon Spring; National Canyon; Moss Spring.
	<b>Navajo Nation (AZ, NM, UT)</b>	
	New dischargers and new sources should contact EPA Region 9's stormwater coordinator found at <a href="https://www.epa.gov/npdes/contact-us-stormwater#regional">https://www.epa.gov/npdes/contact-us-stormwater#regional</a> . See also: <a href="https://www.epa.gov/wqs-tech/water-quality-standards-regulations-navajo-nation">https://www.epa.gov/wqs-tech/water-quality-standards-regulations-navajo-nation</a>	
	<b>White Mountain Apache Tribe (AZ)</b>	
	Tier 2 waters are identified on a water body-by-water body basis. Tier classifications are identified in Appendix B of the White Mountain Apache Tribe Water Quality Standards. New dischargers and new sources should contact EPA Region 9's stormwater coordinator found at <a href="https://www.epa.gov/npdes/contact-us-stormwater#regional">https://www.epa.gov/npdes/contact-us-stormwater#regional</a> . See also: <a href="https://www.epa.gov/wqs-tech/water-quality-standards-regulations-white-mountain-apache-tribe">https://www.epa.gov/wqs-tech/water-quality-standards-regulations-white-mountain-apache-tribe</a>	

Permit Number	Areas of Coverage/Where EPA Is Permitting Authority	
	Tier 2	<p>High Quality Waters: East Fork White River, above R52 Road; Paradise Creek, above Wohlenberg; Ord Creek; Smith Cienega; Bull Cienega; Smith Creek; Big Bonito; Tonto Creek, below Y47 Crossing; Crooked Creek; Boggy Creek; Little Bonito Creek, above Y55 Crossing; Flash Creek; Squaw Creek; Hurricane Lake; Hurricane Creek; Hughey Creek; Bonito Cienega; West Fork Black River; Hall Cienega; Purcell Cienega; Thompson Creek; Cibecue Creek in Box Canyon to Salt river; Rock Springs Creek; Willow Creek (Lower Canyon Cr.).</p> <p>Sensitive Waters (treated the same manner as Tier 2): East Fork White River below R52 Road, above Rock Cr; Lofer Cienega Creek; Carrizo Creek above Corduroy; Cedar Creek; Big Canyon (E. Cedar Creek); Middle Cedar Creek; West Cedar Creek; Cibecue Creek, Box Canyon up to Confluence with Salt Creek; Spring Creek; Salt Creek; Cibecue Creek, from confluence w/Salt Cr. To Big Springs; Cibecue Creek, above Big Springs; Salt Draw; Canyon Creek S. of Chediski Farms; Oak Creek; Canyon Creek, N. of Chediski Farms.</p>
	Tier 3	Outstanding Waters: East Fork White River, in Wilderness area; Pumpkin Lake.
CAR10I000	<b>Big Pine Band of Owens Valley (CA)</b>	
	<p>New dischargers and new sources should contact EPA Region 9's stormwater coordinator found at <a href="https://www.epa.gov/npdes/contact-us-stormwater#regional">https://www.epa.gov/npdes/contact-us-stormwater#regional</a>. See also: <a href="https://www.epa.gov/wqs-tech/water-quality-standards-regulations-big-pine-paiute-tribe-owens-valley">https://www.epa.gov/wqs-tech/water-quality-standards-regulations-big-pine-paiute-tribe-owens-valley</a></p>	
	<b>Hoop Valley Tribe (CA)</b>	
	<p>New dischargers and new sources should contact EPA Region 9's stormwater coordinator found at <a href="https://www.epa.gov/npdes/contact-us-stormwater#regional">https://www.epa.gov/npdes/contact-us-stormwater#regional</a>. See also: <a href="https://www.epa.gov/wqs-tech/water-quality-standards-regulations-hoop-valley-tribe">https://www.epa.gov/wqs-tech/water-quality-standards-regulations-hoop-valley-tribe</a></p>	
	<b>Paiute-Shoshone Indians of the Bishop Community (CA)</b>	
	<p>New dischargers and new sources should contact EPA Region 9's stormwater coordinator found at <a href="https://www.epa.gov/npdes/contact-us-stormwater#regional">https://www.epa.gov/npdes/contact-us-stormwater#regional</a>. See also: <a href="https://www.epa.gov/wqs-tech/water-quality-standards-regulations-bishop-paiute-tribe">https://www.epa.gov/wqs-tech/water-quality-standards-regulations-bishop-paiute-tribe</a></p>	
	<b>Twenty-Nine Palms (CA)</b>	
	<p>New dischargers and new sources should contact EPA Region 9's stormwater coordinator found at <a href="https://www.epa.gov/npdes/contact-us-stormwater#regional">https://www.epa.gov/npdes/contact-us-stormwater#regional</a>. See also: <a href="https://www.epa.gov/wqs-tech/water-quality-standards-regulations-twenty-nine-palms-band-mission-indians">https://www.epa.gov/wqs-tech/water-quality-standards-regulations-twenty-nine-palms-band-mission-indians</a></p>	

Permit Number	Areas of Coverage/Where EPA Is Permitting Authority	
GUR100000	<b>Island of Guam</b>	
	New dischargers and new sources should contact EPA Region 9's stormwater coordinator found at <a href="https://www.epa.gov/npdes/contact-us-stormwater#regional">https://www.epa.gov/npdes/contact-us-stormwater#regional</a> . See also: <a href="https://www.epa.gov/sites/production/files/2014-12/documents/aswqs.pdf">https://www.epa.gov/sites/production/files/2014-12/documents/aswqs.pdf</a>	
JAR100000	<b>Johnston Atoll</b>	
	New dischargers and new sources should contact EPA Region 9's stormwater coordinator found at <a href="https://www.epa.gov/npdes/contact-us-stormwater#regional">https://www.epa.gov/npdes/contact-us-stormwater#regional</a>	
MPR100000	<b>Commonwealth of the Northern Mariana Islands</b>	
	New dischargers and new sources should contact EPA Region 9's stormwater coordinator found at <a href="https://www.epa.gov/npdes/contact-us-stormwater#regional">https://www.epa.gov/npdes/contact-us-stormwater#regional</a> . See also: <a href="https://www.epa.gov/sites/production/files/2014-12/documents/aswqs.pdf">https://www.epa.gov/sites/production/files/2014-12/documents/aswqs.pdf</a>	
MWR100000	<b>Midway Island and Wake Island</b>	
	New dischargers and new sources should contact EPA Region 9's stormwater coordinator found at <a href="https://www.epa.gov/npdes/contact-us-stormwater#regional">https://www.epa.gov/npdes/contact-us-stormwater#regional</a>	
NVR100001	<b>Pyramid Lake Paiute (NV)</b>	
	New dischargers and new sources should contact EPA Region 9's stormwater coordinator found at <a href="https://www.epa.gov/npdes/contact-us-stormwater#regional">https://www.epa.gov/npdes/contact-us-stormwater#regional</a> . See also: <a href="https://www.epa.gov/wqs-tech/water-quality-standards-regulations-pyramid-lake-paiute-tribe">https://www.epa.gov/wqs-tech/water-quality-standards-regulations-pyramid-lake-paiute-tribe</a>	
IDR100000	<b>State of Idaho</b>	
	Tier 2 waters are identified on a water body-by-water body basis. There is not a Tier 2.5 classification identified in the State of Idaho Water Quality Standards. New dischargers and new sources should contact EPA Region 10's stormwater coordinator found at <a href="https://www.epa.gov/npdes/contact-us-stormwater#regional">https://www.epa.gov/npdes/contact-us-stormwater#regional</a> . See also: <a href="https://www.epa.gov/wqs-tech/water-quality-standards-regulations-idaho">https://www.epa.gov/wqs-tech/water-quality-standards-regulations-idaho</a>	
	Tier 2 and Tier 3	For Tier 2 and Tier 3 waters, please consult the most recent approved version of Idaho's Idaho Integrated Report, available at: <a href="http://www.deq.idaho.gov/water-quality/surface-water/monitoring-assessment/integrated-report/">http://www.deq.idaho.gov/water-quality/surface-water/monitoring-assessment/integrated-report/</a> and the closest regional office of the Idaho Department of Environmental Quality: <a href="http://www.deq.idaho.gov/regional-offices-issues/">http://www.deq.idaho.gov/regional-offices-issues/</a> .
IDR10I000	<b>Coeur D'Alene Tribe (ID)</b>	
	Tier 2 waters are identified on a water body-by-water body basis. There is not a Tier 2.5 classification identified in the Coeur D'Alene Tribe Water Quality Standards. New dischargers and new sources should contact EPA Region 10's stormwater coordinator found at <a href="https://www.epa.gov/npdes/contact-us-stormwater#regional">https://www.epa.gov/npdes/contact-us-stormwater#regional</a> . See also: <a href="https://www.epa.gov/wqs-tech/water-quality-standards-regulations-coeur-dalene-tribe-indians">https://www.epa.gov/wqs-tech/water-quality-standards-regulations-coeur-dalene-tribe-indians</a>	

Permit Number	Areas of Coverage/Where EPA Is Permitting Authority
ORR10I000	<b>Confederated Tribes of the Warm Springs Reservation (OR)</b>
	New dischargers and new sources should contact EPA Region 10's stormwater coordinator found at <a href="https://www.epa.gov/npdes/contact-us-stormwater#regional">https://www.epa.gov/npdes/contact-us-stormwater#regional</a> . See also: <a href="https://www.epa.gov/wqs-tech/water-quality-standards-regulations-confederated-tribes-warm-springs-indian-reservation">https://www.epa.gov/wqs-tech/water-quality-standards-regulations-confederated-tribes-warm-springs-indian-reservation</a>
	<b>Confederated Tribes of Umatilla (OR)</b>
	New dischargers and new sources should contact EPA Region 10's stormwater coordinator found at <a href="https://www.epa.gov/npdes/contact-us-stormwater#regional">https://www.epa.gov/npdes/contact-us-stormwater#regional</a> . See also: <a href="https://www.epa.gov/wqs-tech/water-quality-standards-regulations-confederated-tribes-umatilla-indian-reservation-oregon">https://www.epa.gov/wqs-tech/water-quality-standards-regulations-confederated-tribes-umatilla-indian-reservation-oregon</a>
WAR10I000	<b>Confederated Tribes of the Chehalis Reservation (WA)</b>
	Tier 2 waters are identified on a parameter-by-parameter basis. There is not a Tier 2.5 classification identified in the Confederated Tribes of the Chehalis Reservation Water Quality Standards. New dischargers and new sources should contact EPA Region 10's stormwater coordinator found at <a href="https://www.epa.gov/npdes/contact-us-stormwater#regional">https://www.epa.gov/npdes/contact-us-stormwater#regional</a> . <a href="https://www.epa.gov/wqs-tech/water-quality-standards-regulations-confederated-tribes-chehalis-reservation">https://www.epa.gov/wqs-tech/water-quality-standards-regulations-confederated-tribes-chehalis-reservation</a>
	<b>Confederated Tribes of the Colville Reservation (WA)</b>
	EPA established federal water quality standards for the Confederated Tribes of the Colville Reservation at 40 CFR 131.35. See: <a href="https://www.epa.gov/wqs-tech/water-quality-standards-regulations-confederated-tribes-colville-reservation">https://www.epa.gov/wqs-tech/water-quality-standards-regulations-confederated-tribes-colville-reservation</a>
	<b>Kalispel Indian Community (WA)</b>
	New dischargers and new sources should contact EPA Region 10's stormwater coordinator found at <a href="https://www.epa.gov/npdes/contact-us-stormwater#regional">https://www.epa.gov/npdes/contact-us-stormwater#regional</a> . See also: <a href="https://www.epa.gov/wqs-tech/water-quality-standards-regulations-kalispel-indian-community-kalispel-reservation">https://www.epa.gov/wqs-tech/water-quality-standards-regulations-kalispel-indian-community-kalispel-reservation</a>
	<b>Lummi Tribe (WA)</b>
	New dischargers and new sources should contact EPA Region 10's stormwater coordinator found at <a href="https://www.epa.gov/npdes/contact-us-stormwater#regional">https://www.epa.gov/npdes/contact-us-stormwater#regional</a> . See also: <a href="https://www.epa.gov/wqs-tech/water-quality-standards-regulations-lummi-nation">https://www.epa.gov/wqs-tech/water-quality-standards-regulations-lummi-nation</a>
	<b>Makah Indian Nation (WA)</b>
	New dischargers and new sources should contact EPA Region 10's stormwater coordinator found at <a href="https://www.epa.gov/npdes/contact-us-stormwater#regional">https://www.epa.gov/npdes/contact-us-stormwater#regional</a> . See also: <a href="https://www.epa.gov/wqs-tech/water-quality-standards-regulations-makah-indian-nation">https://www.epa.gov/wqs-tech/water-quality-standards-regulations-makah-indian-nation</a>

Permit Number	Areas of Coverage/Where EPA Is Permitting Authority
	<b>Port Gamble S'Klallam (WA)</b>
	New dischargers and new sources should contact EPA Region 10's stormwater coordinator found at <a href="https://www.epa.gov/npdes/contact-us-stormwater#regional">https://www.epa.gov/npdes/contact-us-stormwater#regional</a> . See also: <a href="https://www.epa.gov/wqs-tech/water-quality-standards-regulations-port-gamble-sklallam-tribe">https://www.epa.gov/wqs-tech/water-quality-standards-regulations-port-gamble-sklallam-tribe</a>
	<b>Puyallup Tribe of Indians (WA)</b>
	New dischargers and new sources should contact EPA Region 10's stormwater coordinator found at <a href="https://www.epa.gov/npdes/contact-us-stormwater#regional">https://www.epa.gov/npdes/contact-us-stormwater#regional</a> . See also: <a href="https://www.epa.gov/wqs-tech/water-quality-standards-regulations-puyallup-tribe-indians">https://www.epa.gov/wqs-tech/water-quality-standards-regulations-puyallup-tribe-indians</a>
	<b>Spokane Tribe of Indians (WA)</b>
	New dischargers and new sources should contact EPA Region 10's stormwater coordinator found at <a href="https://www.epa.gov/npdes/contact-us-stormwater#regional">https://www.epa.gov/npdes/contact-us-stormwater#regional</a> . See also: <a href="https://www.epa.gov/wqs-tech/water-quality-standards-regulations-spokane-tribe-indians">https://www.epa.gov/wqs-tech/water-quality-standards-regulations-spokane-tribe-indians</a>

**Appendix G – Buffer Requirements**

The purpose of this appendix is to assist you in complying with the requirements in Part 2.2.1 of the permit regarding the establishment of natural buffers and/or equivalent sediment controls. This appendix is organized as follows:

G.1 Sites That Are Required to Provide and Maintain Natural Buffers and/or Equivalent Erosion and Sediment controls .....2

G.2 Compliance Alternatives and Exceptions .....2

    G.2.1 Compliance Alternatives .....2

    G.2.2 Exceptions to the Compliance Alternatives .....3

    G.2.3 Requirements for Providing and Maintaining Natural Buffers .....4

    G.2.4 Guidance for Providing the Equivalent Sediment Reduction as a 50-foot Buffer .....7

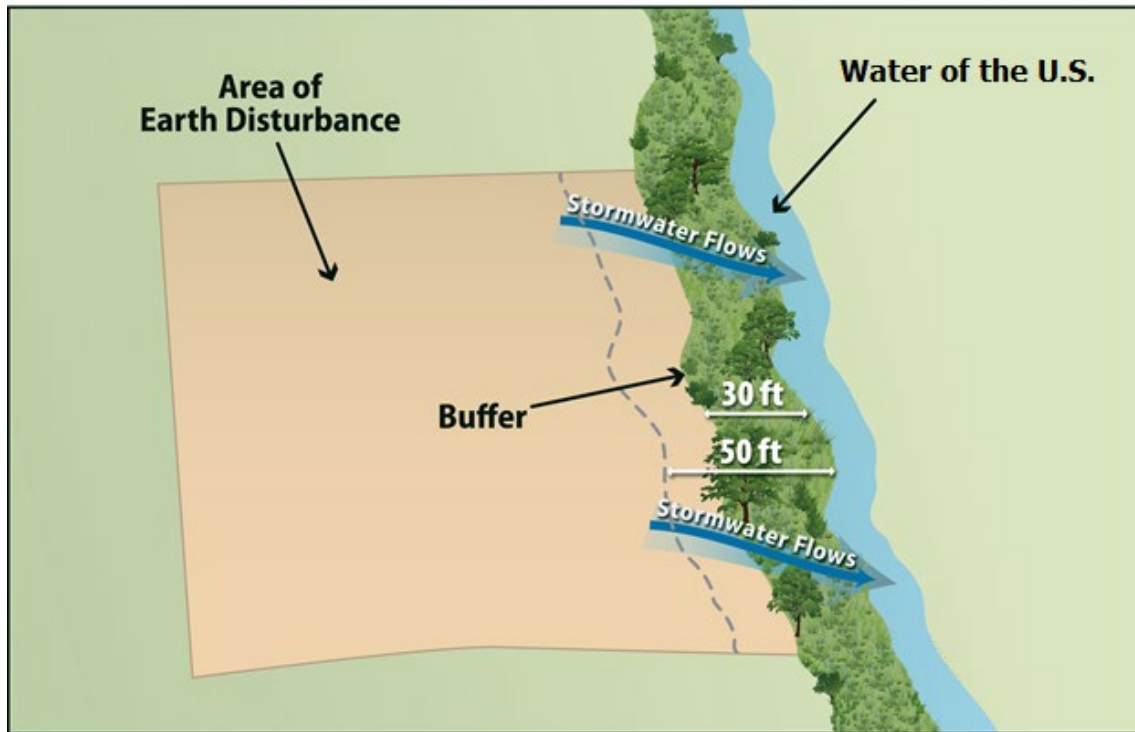
G.3 Small Residential Lot Compliance Alternatives ..... 11

    G.3.1 Small Residential Lot Compliance Alternative Eligibility ..... 11

    G.3.2 Small Residential Lot Compliance Alternatives ..... 11

## G.1 SITES THAT ARE REQUIRED TO PROVIDE AND MAINTAIN NATURAL BUFFERS AND/OR EQUIVALENT EROSION AND SEDIMENT CONTROLS

The requirement in Part 2.2.1 to provide and maintain natural buffers and/or equivalent erosion and sediment controls applies for any discharges to waters of the U.S. located within 50 feet of your site's earth disturbances. If the water of the U.S. is not located within 50 feet of earth-disturbing activities, Part 2.2.1 does not apply. See Figure G-1.



**Figure G-1 Example of earth-disturbing activities within 50 feet of a water of the U.S.**

## G.2 COMPLIANCE ALTERNATIVES AND EXCEPTIONS

### G.2.1 Compliance Alternatives

If Part 2.2.1 applies to your site, you have three compliance alternatives from which you can choose, unless you qualify for any of the exceptions (see below and Part 2.2.1.a):

1. Provide and maintain a 50-foot undisturbed natural buffer; or
2. Provide and maintain an undisturbed natural buffer that is less than 50 feet and is supplemented by erosion and sediment controls that achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer; or
3. If infeasible to provide and maintain an undisturbed natural buffer of any size, implement erosion and sediment controls to achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer.<sup>1</sup>

The compliance alternative selected must be maintained throughout the duration of permit coverage.

See Part G.2.2 below for exceptions to the compliance alternatives.



See Part G.2.3 for requirements applicable to providing and maintaining natural buffers under compliance alternatives 1 and 2 above.

See Part G.2.4 for requirements applicable to providing erosion and sediment controls that achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer under compliance alternatives 2 and 3 above.

## **G.2.2 Exceptions to the Compliance Alternatives**

The following exceptions apply to the requirement to implement one of the Part 2.2.1.a compliance alternatives (see also Part 2.2.1.b):

- The following disturbances within 50 feet of a water of the U.S. are exempt from the requirements Part 2.2.1 and this Appendix:
  - Construction approved under a CWA Section 404 permit; or
  - Construction of a water-dependent structure or water access areas (e.g., pier, boat ramp, trail).
- If there is no discharge of stormwater to waters of the U.S. through the area between the disturbed portions of the site and any waters of the U.S. located within 50 feet of your site, you are not required to comply with the requirements in Part 2.2.1 and this Appendix. This includes situations where you have implemented controls measures, such as a berm or other barrier, that will prevent such discharges.
- Where no natural buffer exists due to preexisting development disturbances (e.g., structures, impervious surfaces) that occurred prior to the initiation of planning for the current development of the site, you are not required to comply with the requirements in Part 2.2.1 and this Appendix.

Where some natural buffer exists but portions of the area within 50 feet of the water of the U.S. are occupied by preexisting development disturbances, you are required to comply with the requirements in Part 2.2.1 and this Appendix. For the purposes of calculating the sediment load reduction for either compliance alternative 2 or 3, you are not expected to compensate for the reduction in buffer function that would have resulted from the area covered by these preexisting disturbances. Clarity about how to implement the compliance alternatives for these situations is provided in G.2.3 and G.2.4 below.

If during your project, you will disturb any portion of these preexisting disturbances, the area removed will be deducted from the area treated as a "natural buffer."

- For "linear construction sites" (see Appendix A), you are not required to comply with this requirement if site constraints (e.g., *limited right-of-way*) make it infeasible to implement one of the Part 2.2.1.a compliance alternatives, provided that, to the extent feasible, you limit disturbances within 50 feet of any waters of the U.S. and/or you provide supplemental erosion and sediment controls to treat stormwater discharges from earth disturbances within 50 feet of the water of the U.S. You must also document in your SWPPP your rationale for why it is infeasible for you to implement one of the Part 2.2.1.a compliance alternatives, and describe any buffer width retained and supplemental erosion and sediment controls installed.
- For "small residential lot" construction (*i.e., a lot being developed for residential purposes that will disturb less than 1 acre of land, but is part of a larger residential*

*project that will ultimately disturb greater than or equal to 1 acre), you have the option of complying with one of the "small residential lot" compliance alternatives in Part G.3 of this appendix.*

Note that you must document in your SWPPP if any disturbances related to any of the above exceptions occurs within the buffer area on your site.

### **G.2.3 Requirements for Providing and Maintaining Natural Buffers**

This part of the appendix applies to you if you choose compliance alternative 1 (50-foot buffer), compliance alternative 2 (a buffer of < 50 feet supplemented by additional erosion and sediment controls that achieve the equivalent sediment load reduction as the 50-foot buffer), or if you are providing a buffer in compliance with one of the "small residential lot" compliance alternatives in Part G.3.

#### **Buffer Width Measurement**

Where you are retaining a buffer of any size, the buffer should be measured perpendicularly from any of the following points, whichever is further landward from the water:

1. The ordinary high water mark of the water body, defined as the line on the shore established by fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, and/or the presence of litter and debris; or
2. The edge of the stream or river bank, bluff, or cliff, whichever is applicable.

Refer to Figure G-2 and Figure G-3. You may find that specifically measuring these points is challenging if the flow path of the water of the U.S. changes frequently, thereby causing the measurement line for the buffer to fluctuate continuously along the path of the waterbody. Where this is the case, EPA suggests that rather than measuring each change or deviation along the water's edge, it may be easier to select regular intervals from which to conduct your measurement. For instance, you may elect to conduct your buffer measurement every 5 to 10 feet along the length of the water.

Additionally, note that if earth-disturbing activities will take place on both sides of a water of the U.S. that flows through your site, to the extent that you are establishing a buffer around this water, it must be established on both sides. For example, if you choose compliance alternative 1, and your project calls for disturbances on both sides of a small stream, you would need to retain the full 50 feet of buffer on both sides of the water. However, if your construction activities will only occur on one side of the stream, you would only need to retain the 50-foot buffer on the side of the stream where the earth-disturbance will occur.

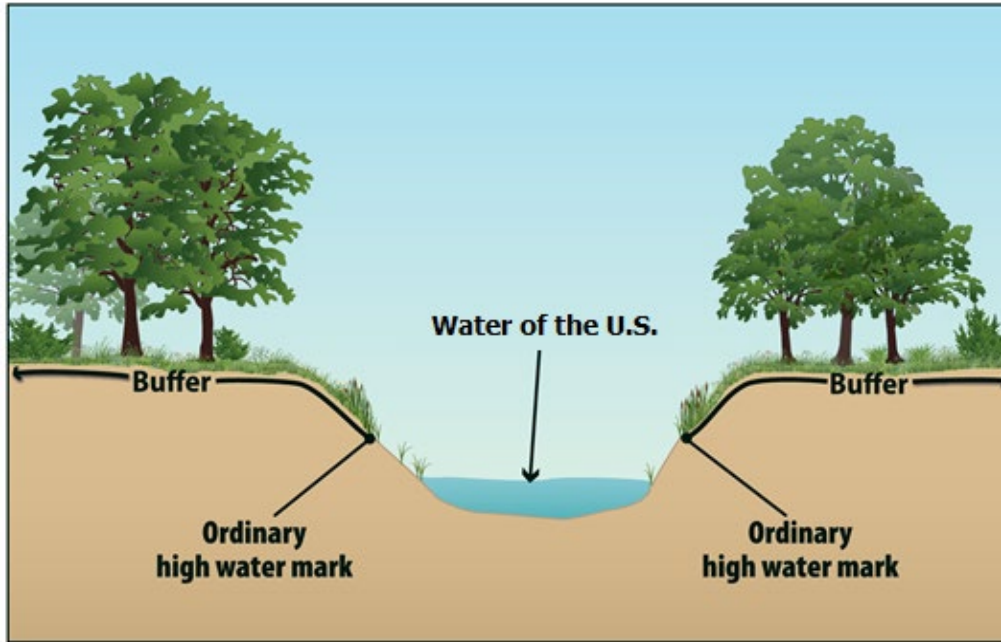


Figure G-2 Buffer measurement from the ordinary high water mark of the water body, as indicated by a clear natural line impressed on the bank, shelving, changes in the character of the soil, destruction of terrestrial vegetation, and/or the presence of litter/debris.

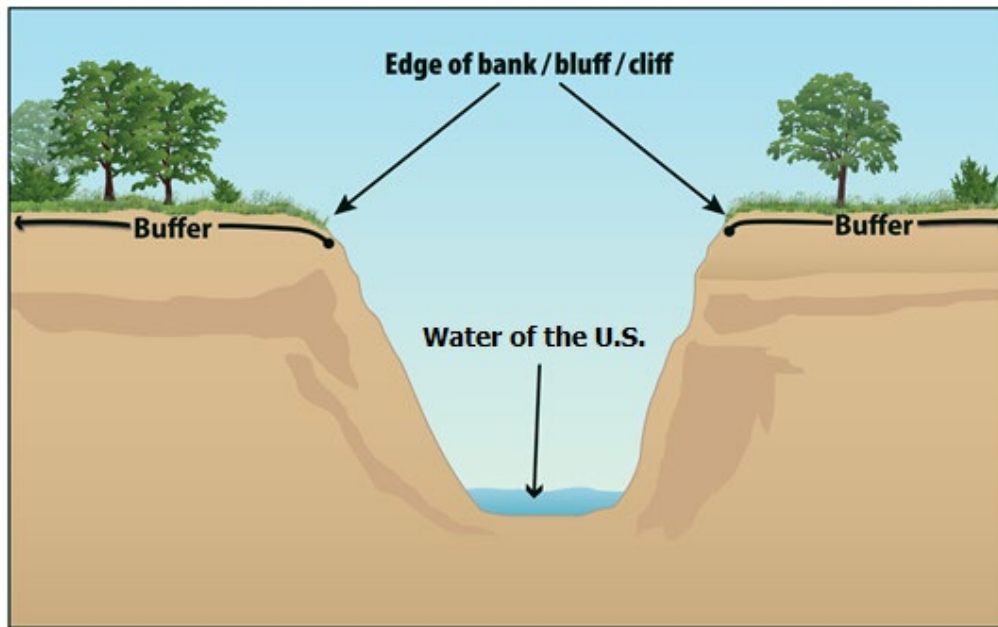


Figure G-3 Buffer measurement from the edge of the bank, bluff, or cliff, whichever is applicable.

#### Limits to Disturbance Within the Buffer

You are considered to be in compliance with the requirement to provide and maintain a natural buffer if you retain and protect from construction activities the natural buffer that existed prior to the commencement of construction. If the buffer area contains no vegetation prior to the commencement of construction (e.g., sand or rocky surface), you are not required to plant vegetation. As noted above, any preexisting structures or

impervious surfaces may occur in the natural buffer provided you retain and protect from disturbance the buffer areas outside of the preexisting disturbance.

To ensure that the water quality protection benefits of the buffer are retained during construction, you are prohibited from conducting any earth-disturbing activities within the buffer during permit coverage. In furtherance of this requirement, **prior to commencing earth-disturbing activities on your site, you must delineate, and clearly mark off, with flags, tape, or a similar marking device, the buffer area on your site.** The purpose of this requirement is to make the buffer area clearly visible to the people working on your site so that unintended disturbances are avoided.

While you are not required to enhance the quality of the vegetation that already exists within the buffer, you are encouraged to do so where such improvements will enhance the water quality protection benefits of the buffer. (Note that any disturbances within the buffer related to buffer enhancement are permitted and do not constitute construction disturbances.) For instance, you may want to target plantings where limited vegetation exists, or replace existing vegetation where invasive or noxious plant species (see <http://plants.usda.gov/java/noxiousDriver>) have taken over. In the case of invasive or noxious species, you may want to remove and replace them with a diversity of native trees, shrubs, and herbaceous plants that are well-adapted to the climatic, soil, and hydrologic conditions on the site. You are also encouraged to limit the removal of naturally deposited leaf litter, woody debris, and other biomass, as this material contributes to the ability of the buffer to retain water and filter pollutants.

If a portion of the buffer area adjacent to the water of the U.S. is owned by another party and is not under your control, you are only required to retain and protect from construction activities the portion of the buffer area that is under your control. For example, if you comply with compliance alternative 1 (provide and maintain a 50-foot buffer), but 10 feet of land immediately adjacent to the water of the U.S. is owned by a different party than the land on which your construction activities are taking place and you do not have control over that land, you must only retain and protect from construction activities the 40-foot buffer area that occurs adjacent to the property on which your construction activities are taking place. EPA would consider you to be in compliance with this requirement regardless of the activities that are taking place in the 10-foot area that is owned by a different party than the land on which your construction activities are taking place that you have no control over.

### **Discharges to the Buffer**

**You must ensure that all discharges from the area of earth disturbance to the natural buffer are first treated by the site's erosion and sediment controls** (for example, you must comply with the Part 2.2.3 requirement to install sediment controls along any perimeter areas of the site that will receive pollutant discharges), **and if necessary to prevent erosion caused by stormwater flows within the buffer, you must use velocity dissipation devices.** The purpose of this requirement is to decrease the rate of stormwater flow and encourage infiltration so that the pollutant filtering functions of the buffer will be achieved. To comply with this requirement, construction operators typically will use devices that physically dissipate stormwater flows so that the discharge entering the buffer is spread out and slowed down.

### **SWPPP Documentation**

You are required to document in your SWPPP the natural buffer width that is retained. For example, if you are complying with alternative 1, you must specify in your SWPPP that you are providing a 50-foot buffer. Or, if you will be complying with alternative 2, you must document the reduced width of the buffer you will be retaining (and you must also

describe the erosion and sediment controls you will use to achieve an equivalent sediment reduction, as required in Part G.2.4 below). Note that you must also show any buffers on your site map in your SWPPP consistent with Part 7.2.4.i. Additionally, if any disturbances related to the exceptions in Part G.2.2 occur within the buffer area, you must document this in the SWPPP.

#### **G.2.4 Guidance for Providing the Equivalent Sediment Reduction as a 50-foot Buffer**

This part of the appendix applies to you if you choose compliance alternative 2 (provide and maintain a buffer that is less than 50 feet that is supplemented by erosion and sediment controls that achieve the sediment load reduction equivalent to a 50-foot buffer) or compliance alternative 3 (implement erosion and sediment controls to achieve the sediment load reduction equivalent to a 50-foot buffer).

##### **Determine Whether it is Feasible to Provide a Reduced Buffer**

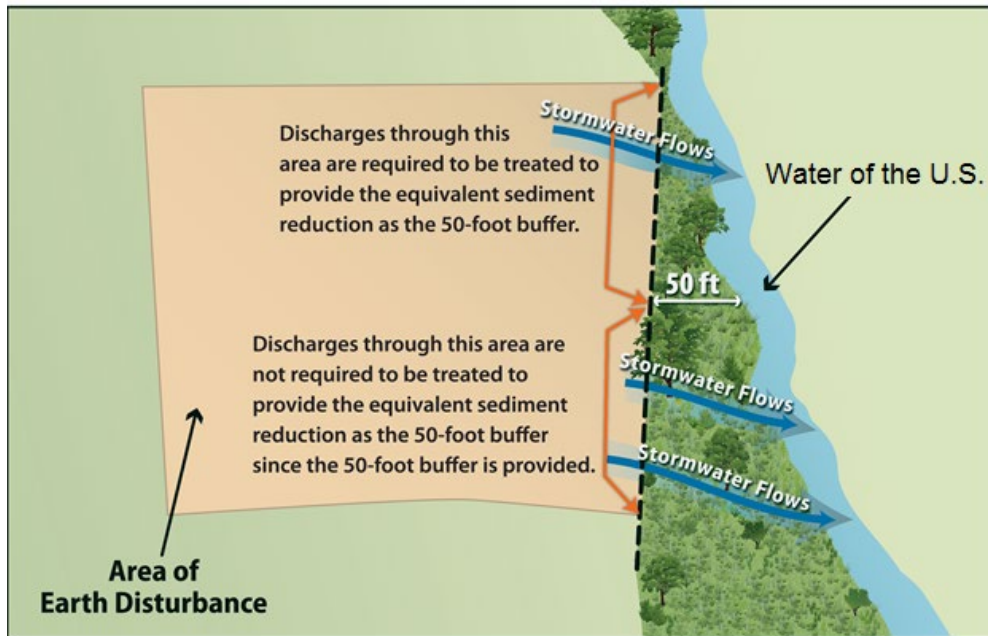
EPA recognizes that there will be a number of situations in which it will be infeasible to provide and maintain a buffer of any width. While some of these situations may exempt you from the buffer requirement entirely (see G.2.2), if you do not qualify for one of these exemptions, there still may be conditions or circumstances at your site that make it infeasible to provide a natural buffer. For example, there may be sites where a significant portion of the property on which the earth-disturbing activities will occur is located within the buffer area, thereby precluding the retention of natural buffer areas.

Therefore, you should choose compliance alternative 2 if it is feasible for you to retain some natural buffer on your site. (Note: For any buffer width retained, you are required to comply with the requirements in Part G.2.3, above, concerning the retention of vegetation and restricting earth disturbances.) Similarly, if you determine that it is infeasible to provide a natural buffer of any size during construction, you should choose alternative 3.

##### **Design Controls That Provide Equivalent Sediment Reduction as 50-foot Buffer**

You must next determine what additional controls must be implemented on your site that, alone or in combination with any retained natural buffer, achieve a reduction in sediment equivalent to that achieved by a 50-foot buffer.

Note that if only a portion of the natural buffer is less than 50 feet, you are only required to implement erosion and sediment controls that achieve the sediment load reduction equivalent to the 50-foot buffer for discharges through that area. You would not be required to provide additional treatment of stormwater discharges that flow through 50 feet or more of natural buffer. See Figure G-4.



**Figure G-4 Example of how to comply with the requirement to provide the equivalent sediment reduction when only a portion of your earth-disturbances discharge to a buffer of less than 50-feet.**

Steps to help you meet compliance alternative 2 and 3 requirements are provided below.

#### **Step 1 - Estimate the Sediment Reduction from the 50-foot Buffer**

In order to design controls that match the sediment removal efficiency of a 50-foot buffer, you first need to know what this efficiency is for your site. The sediment removal efficiencies of natural buffers vary according to a number of site-specific factors, including precipitation, soil type, land cover, slope length, width, steepness, and the types of erosion and sediment controls used to reduce the discharge of sediment prior to the buffer. EPA has simplified this calculation by developing buffer performance tables covering a range of vegetation and soil types for the areas covered by the CGP. See Attachment 1 of this Appendix, Tables G-8 through G-15. Note: buffer performance values in Tables G-8 through G-15 represent the percent of sediment captured through the use of perimeter controls (e.g., silt fences) and 50-foot buffers at disturbed sites of fixed proportions and slopes.<sup>1</sup>

<sup>1</sup> EPA used the following when developing the buffer performance tables:

- The sediment removal efficiencies are based on the U.S. Department of Agriculture's RUSLE2 ("Revised Universal Soil Loss Equation 2") model for slope profiles using a 100-foot long denuded slopes.
- Sediment removal was defined as the annual sediment delivered at the downstream end of the 50-foot natural buffer (tons/yr/acre) divided by the annual yield from denuded area (tons/yr/acre).
- As perimeter controls are also required by the CGP, sediment removal is in part a function of the reduction due to a perimeter control (i.e., silt fence) located between the disturbed portion of the site and the upstream edge of the natural buffer and flow traveling through a 50-foot buffer of undisturbed natural vegetation.
- It was assumed that construction sites have a relatively uniform slope without topographic features that accelerate the concentration for erosive flows.

Using Tables G-8 through G-15 (see Attachment 1 of this Appendix), you can determine the sediment removal efficiency of a 50-foot buffer for your geographic area by matching the vegetative cover type that best describes your buffer area and the type of soils that predominate at your site. For example, if your site is located in Massachusetts (Table G-9), and your buffer vegetation corresponds most closely with that of tall fescue grass, and the soil type at your site is best typified as sand, your site's sediment removal efficiency would be 81 percent.

In this step, you should choose the vegetation type in the tables that most closely matches the vegetation that would exist naturally in the buffer area on your site regardless of the condition of the buffer. However, because you are not required to plant any additional vegetation in the buffer area, in determining what controls are necessary to meet this sediment removal equivalency in Step 2 below, you will be able to take credit for this area as a fully vegetated "natural buffer."

Similarly, if a portion of the buffer area adjacent to the water of the U.S. is owned by another party and is not under your control, you can treat the area of land not under your control as having the equivalent vegetative cover and soil type that predominates on the portion of the property on which your construction activities are occurring.

*For example, if your earth-disturbances occur within 50 feet of a water of the U.S., but the 10 feet of land immediately adjacent to the water of the U.S. is owned by a different party than the land on which your construction activities are taking place and you do not have control over that land, you can treat the 10 foot area adjacent to the stream as having the equivalent soil and vegetation type that predominates in the 40 foot area under your control. You would then make the same assumption in Step 2 for purposes of determining the equivalent sediment removal.*

Alternatively, you may do your own calculation of the effectiveness of the 50-foot buffer based upon your site-specific conditions, and may use this number as your sediment removal equivalency standard to meet instead of using Tables G-8 through G-15. This calculation must be documented in your SWPPP.

## **Step 2 - Design Controls That Match the Sediment Removal Efficiency of the 50-foot Buffer**

Once you determine the estimated sediment removal efficiency of a 50-foot buffer for your site in Step 1, you must next select stormwater controls that will provide an equivalent sediment load reduction. These controls can include the installation of a single control, such as a sediment pond or additional perimeter controls, or a combination of stormwater controls. Whichever control(s) you select, you must demonstrate in your SWPPP that the controls will provide at a minimum the same sediment removal capabilities as a 50-foot natural buffer (Step 1). You may take credit for the removal efficiencies of your required perimeter controls in your calculation of equivalency, because these were included in calculating the buffer removal efficiencies in Tables G-8 through G-15. (Note: You are reminded that the controls must be kept in effective operating condition until you complete final stabilization on the disturbed portions of the site discharging to the water of the U.S.)

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- It was assumed that vegetation has been removed from the disturbed portion of the site and a combination of cuts and fills have resulted in a smooth soil surface with limited retention of near-surface root mass.

To represent the influence of soil, EPA analyzed 11 general soil texture classifications in its evaluation of buffer performance. To represent different types of buffer vegetation, EPA evaluated 4 or more common vegetative types for each state/territory covered under the permit. For each vegetation type evaluated, EPA considered only permanent, non-grazed, and non-harvested vegetation, on the assumption that a natural buffer adjacent to the water of the U.S. will typically be undisturbed. EPA also evaluated slope steepness and found that sediment removal efficiencies present in Tables G-8 through G-15 are achievable for slopes that are less than nine percent.



To make the determination that your controls and/or buffer area achieve an equivalent sediment load reduction as a 50-foot buffer, you should use a model or other type of calculation. As mentioned above, there are a variety of models available that can be used to support your calculation, including USDA's RUSLE-series programs and the WEPP erosion model, SEDCAD, SEDIMOT, or other models. A couple of examples are provided in Attachment 3 to help illustrate how this determination could be made.

If you retain a buffer of less than 50 feet, you may take credit for the removal that will occur from the reduced buffer and only need to provide additional controls to make up the difference between the removal efficiency of a 50 foot buffer and the removal efficiency of the narrower buffer. For example, if you retain a 30 foot buffer, you can account for the sediment removal provided by the 30 foot buffer retained, and you will only need to design controls to make up for the additional removal provided by the 20 feet of buffer that is not being provided. To do this, you would plug the width of the buffer that is retained into RUSLE or another model, along with other stormwater controls that will together achieve a sediment reduction equivalent to a natural 50-foot buffer.

As described in Step 1 above, you can take credit for the area you retained as a "natural buffer" as being fully vegetated, regardless of the condition of the buffer area.

*For example, if your earth-disturbances occur 30 feet from a water of the U.S., but the 10 feet of land immediately adjacent to the water of the U.S. is owned by a different party than the land on which your construction activities are taking place and you do not have control over that land, you can treat the 10-foot area as a natural buffer, regardless of the activities that are taking place in the area. Therefore, you can assume (for purposes of your equivalency calculation) that your site is providing the sediment removal equivalent of a 30-foot buffer, and you will only need to design controls to make up for the additional removal provided by the 20-foot of buffer that is not being provided.*

### **Step 3 - Document How Site-Specific Controls Will Achieve the Sediment Removal Efficiency of the 50-foot Buffer**

In Steps 1 and 2, you determined both the expected sediment removal efficiency of a 50-foot buffer at your site, and you used this number as a performance standard to design controls to be installed at your site, which alone or in combination with any retained natural buffer, achieves the expected sediment removal efficiency of a 50-foot buffer at your site. The final step is to document in your SWPPP the information you relied on to calculate the equivalent sediment reduction as an undisturbed natural buffer.

EPA will consider your documentation to be sufficient if it generally meets the following:

- For Step 1, refer to the table in Attachment 1 that you used to derive your estimated 50-foot buffer sediment removal efficiency performance. Include information about the buffer vegetation and soil type that predominate at your site, which you used to select the sediment load reduction value in Tables G-8 through G-15. Or, if you conducted a site-specific calculation for sediment removal efficiency, provide the specific removal efficiency, and the information you relied on to make your site-specific calculation.
- For Step 2, (1) Specify the model you used to estimate sediment load reductions from your site; and (2) the results of calculations showing how your controls will meet or exceed the sediment removal efficiency from Step 1.

If you choose compliance alternative 3, you must also include in your SWPPP a description of why it is infeasible for you to provide and maintain an undisturbed natural buffer of any size.



### G.3 SMALL RESIDENTIAL LOT COMPLIANCE ALTERNATIVES

EPA has developed two additional compliance alternatives applicable only to “small residential lots” that are unable to provide and maintain a 50 foot buffer.

A **small residential lot** is a lot or grouping of lots being developed for residential purposes that will disturb less than 1 acre of land, but that is part of a larger residential project that will ultimately disturb greater than or equal to 1 acre.

The following steps describe how a small residential lot operator would achieve compliance with one these 2 alternatives.

#### G.3.1 Small Residential Lot Compliance Alternative Eligibility

In order to be eligible for the small residential lot compliance alternatives, the following conditions must be met:

- a. The lot or grouping of lots meets the definition of “small residential lot”; and
- b. The operator must follow the guidance for providing and maintaining a natural buffer in Part G.2.3 of this Appendix, including:
  - i. Ensure that all discharges from the area of earth disturbance to the natural buffer are first treated by the site’s erosion and sediment controls, and use velocity dissipation devices if necessary to prevent erosion caused by stormwater within the buffer;
  - ii. Document in the SWPPP the natural buffer width retained on the property, and show the buffer boundary on your site plan; and
  - iii. Delineate, and clearly mark off, with flags, tape, or other similar marking device, all natural buffer areas.

#### G.3.2 Small Residential Lot Compliance Alternatives

You must next choose from one of two small residential lot compliance alternatives and implement the stormwater control practices associated with that alternative.

*Note: The compliance alternatives provided below are not mandatory. Operators of small residential lots can alternatively choose to comply with the any of the options that are available to other sites in Part 2.2.1.a and G.2.1 of this Appendix.*

##### Small Residential Lot Compliance Alternative 1

Alternative 1 is a straightforward tiered-technology approach that specifies the controls that a small residential lot must implement based on the buffer width retained. To meet the requirements of small residential lot compliance alternative 1, you must implement the controls specified in Table G-1 based on the buffer width to be retained. See footnote 3, below, for a description of the controls you must implement.

*For example, if you are an operator of a small residential lot that will be retaining a 35-foot buffer and you choose Small Residential Lot Compliance Alternative 1, you must implement double perimeter controls between earth disturbances and the water of the U.S.*

In addition to implementing the applicable control, you must also document in your SWPPP how you will comply with small residential lot compliance alternative 1.

**Table G-1 Alternative 1 Requirements<sup>2</sup>**

Retain 50-foot Buffer	Retain <50 and >30 foot Buffer	Retain ≤ 30 foot Buffer
No Additional Requirements	Double Perimeter Controls	Double Perimeter Controls and 7-Day Site Stabilization

**Small Residential Lot Compliance Alternative 2**

Alternative 2 specifies the controls that a builder of a small residential lot must implement based on both the buffer width retained and the site's sediment discharge risk. By incorporating the sediment risk, this approach may result in the implementation of controls that are more appropriate for the site's specific conditions.

**Step 1 – Determine Your Site's Sediment Risk Level**

To meet the requirements of Alternative 2, you must first determine your site's sediment discharge "risk level" based on the site's slope, location, and soil type. To help you to determine your site's sediment risk level, EPA developed five different tables for different slope conditions. You should select the table that most closely corresponds to your site's average slope.

*For example, if your site's average slope is 7 percent, you should use Table G-4 to determine your site's sediment risk.*

After you determine which table applies to your site, you must then use the table to determine the "risk level" (e.g., "low", "moderate", or "high") that corresponds to your site's location and predominant soil type.<sup>3</sup>

*For example, based on Table G-3, a site located in New Hampshire with a 4 percent average slope and with predominately sandy clay loam soils would fall into the "moderate" risk level.*

**<sup>2</sup> Description of Additional Controls Applicable to Small Residential Lot Compliance Alternatives 1 and 2:**

- **No Additional Requirements:** If you implement a buffer of 50 feet or greater, then you are not subject to any additional requirements. Note that you are required to install perimeter controls between the disturbed portions of your site and the buffer in accordance with Part 2.2.3.
- **Double Perimeter Control:** In addition to the reduced buffer width retained on your site, you must provide a double row of perimeter controls between the disturbed portion of your site and the water of the U.S. spaced a minimum of 5 feet apart.
- **Double Perimeter Control and 7-Day Site Stabilization:** In addition to the reduced buffer width retained on your site and the perimeter control implemented in accordance with Part 2.2.3, you must provide a double row of perimeter controls between the disturbed portion of your site and the water of the U.S. spaced a minimum of 5 feet apart, and you are required to complete the stabilization activities specified in Parts 2.2.14 within 7 calendar days of the temporary or permanent cessation of earth-disturbing activities.

<sup>3</sup> One source for determining your site's predominant soil type is the USDA's Web Soil Survey located at <http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>.

**Table G-2 Risk Levels for Sites with Average Slopes of  $\leq 3$  Percent**

Soil Type Location	Clay	Silty Clay Loam or Clay- Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
CNMI / Guam	Moderate	Moderate	Moderate	Moderate	High
Puerto Rico	Moderate	Moderate	Moderate	Moderate	High
Virgin Islands	Low	Moderate	Low	Moderate	Moderate
American Samoa	Moderate	Moderate	Moderate	Moderate	High
Massachusetts and New Hampshire	Low	Moderate	Low	Low	Moderate
Idaho	Low	Low	Low	Low	Low
New Mexico	Low	Low	Low	Low	Low
Washington D.C.	Low	Moderate	Low	Low	Moderate

**Table G-3 Risk Levels for Sites with Average Slopes of  $> 3$  Percent and  $\leq 6$  Percent**

Soil Type Location	Clay	Silty Clay Loam or Clay- Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
CNMI / Guam	Moderate	Moderate	Moderate	Moderate	High
Puerto Rico	Moderate	Moderate	Moderate	Moderate	High
Virgin Islands	Moderate	Moderate	Moderate	Moderate	High
American Samoa	High	High	Moderate	High	High
Massachusetts and New Hampshire	Moderate	Moderate	Low	Moderate	High
Idaho	Low	Low	Low	Low	Low
New Mexico	Low	Low	Low	Low	Moderate
Washington D.C.	Moderate	Moderate	Moderate	Moderate	High

**Table G-4 Risk Levels for Sites with Average Slopes of > 6 Percent and ≤ 9 Percent**

Soil Type Location	Clay	Silty Clay Loam or Clay- Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
CNMI / Guam	Moderate	High	Moderate	High	High
Puerto Rico	Moderate	High	Moderate	Moderate	High
Virgin Islands	Moderate	Moderate	Moderate	Moderate	High
American Samoa	High	High	High	High	High
Massachusetts and New Hampshire	Moderate	Moderate	Moderate	Moderate	High
Idaho	Low	Low	Low	Low	Low
New Mexico	Low	Low	Low	Low	Moderate
Washington D.C.	Moderate	Moderate	Moderate	Moderate	High

**Table G-5 Risk Levels for Sites with Average Slopes of > 9 Percent and ≤ 15 Percent**

Soil Type Location	Clay	Silty Clay Loam or Clay- Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
CNMI / Guam	High	High	High	High	High
Puerto Rico	High	High	High	High	High
Virgin Islands	Moderate	High	Moderate	High	High
American Samoa	High	High	High	High	High
Massachusetts and New Hampshire	Moderate	Moderate	Moderate	Moderate	High
Idaho	Low	Low	Low	Low	Low
New Mexico	Low	Moderate	Low	Moderate	Moderate
Washington D.C.	Moderate	High	Moderate	Moderate	High

**Table G-6 Risk Levels for Sites with Average Slopes of > 15 Percent**

Soil Type Location	Clay	Silty Clay Loam or Clay- Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
CNMI / Guam	High	High	High	High	High
Puerto Rico	High	High	High	High	High
Virgin Islands	High	High	High	High	High
American Samoa	High	High	High	High	High
Massachusetts and New Hampshire	High	High	Moderate	High	High
Idaho	Low	Low	Low	Low	Moderate
New Mexico	Moderate	Moderate	Moderate	Moderate	High
Washington D.C.	High	High	Moderate	High	High

**Step 2 – Determine Which Additional Controls Apply**

Once you determine your site's "risk level", you must next determine the additional controls you need to implement on your site, based on the width of buffer you plan to retain. Table G-7 specifies the requirements that apply based on the "risk level" and buffer width retained. See footnote 3, above, for a description of the additional controls that are required.

*For example, if you are the operator of a small residential lot that falls into the "moderate" risk level, and you decide to retain a 20-foot buffer, using Table G-7 you would determine that you need to implement double perimeter controls to achieve compliance with small residential lot compliance alternative 2.*

You must also document in your SWPPP your compliance with small residential lot compliance alternative 2.

**Table G-7. Alternative 2 Requirements<sup>2</sup>**

Risk Level Based on Estimated Soil Erosion	Retain ≥ 50' Buffer	Retain <50' and >30' Buffer	Retain ≤30' and >10' Buffer	Retain ≤ 10' Buffer
<b>Low Risk</b>	No Additional Requirements	No Additional Requirements	Double Perimeter Control	Double Perimeter Control
<b>Moderate Risk</b>	No Additional Requirements	Double Perimeter Control	Double Perimeter Control	Double Perimeter Control and 7-Day Site Stabilization
<b>High Risk</b>	No Additional Requirements	Double Perimeter Control	Double Perimeter Control and 7-Day Site Stabilization	Double Perimeter Control and 7-Day Site Stabilization

**ATTACHMENT 1****Sediment Removal Efficiency Tables<sup>4</sup>**

EPA recognizes that very high removal efficiencies, even where theoretically achievable by a 50-foot buffer, may be very difficult to achieve in practice using alternative controls. Therefore in the tables below, EPA has limited the removal efficiencies to a maximum of 90%. Efficiencies that were calculated at greater than 90% are shown as 90%, and this is the minimum percent removal that must be achieved by alternative controls.

**Table G-8 Estimated 50-foot Buffer Performance in Idaho\***

Type of Buffer Vegetation**	Estimated % Sediment Removal				
	Clay	Silty Clay Loam or Clay-Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
Tall Fescue Grass	42	52	44	48	85
Medium-density Weeds	28	30	28	26	60
Low-density Warm-season Native Bunchgrass (i.e., Grama Grass)	25	26	24	24	55
Northern Mixed Prairie Grass	28	30	28	26	50
Northern Range Cold Desert Shrubs	28	28	24	26	50

\* Applicable for sites with less than nine percent slope

\*\* Characterization focuses on the under-story vegetation

**Table G-9 Estimated 50-foot Buffer Performance in Massachusetts and New Hampshire\***

Type of Buffer Vegetation**	Estimated % Sediment Removal				
	Clay	Silty Clay Loam or Clay-Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
Warm-season Grass (i.e., Switchgrass, Lemongrass)	79	90	90	90	90
Cool-season Dense Grass (Kentucky Bluegrass, Smooth Bromegrass, Timothy)	78	90	90	90	90
Tall Fescue Grass	76	90	81	89	90
Medium-density Weeds	66	76	60	72	66

\* Applicable for sites with less than nine percent slope

\*\* Characterization focuses on the under-story vegetation

<sup>4</sup> The buffer performances were calculated based on a denuded slope upgradient of a 50-foot buffer and a perimeter controls, as perimeter controls are a standard requirement (see Part 2.2.3).

**Table G-10 Estimated 50-foot Buffer Performance in New Mexico\***

Type of Buffer Vegetation **	Estimated % Sediment Removal				
	Clay	Silty Clay Loam or Clay-Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
Tall Fescue grass	71	85	80	86	90
Medium-density Weeds	56	73	55	66	78
Low-density Warm-season Native Bunchgrass (i.e., Grama Grass)	53	70	51	62	67
Southern Mixed Prairie Grass	53	71	52	63	50
Southern Range Cold Desert Shrubs	56	73	55	65	53

\* Applicable for sites with less than nine percent slope

\*\* Characterization focuses on the under-story vegetation

**Table G-11 Estimated 50-foot Buffer Performance in Washington, DC\***

Type of Buffer Vegetation **	Estimated % Sediment Removal				
	Clay	Silty Clay Loam or Clay-Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
Warm-season Grass (i.e., Switchgrass, Lemongrass)	82	90	90	90	90
Cool-season Dense Grass (Kentucky Bluegrass, Smooth Bromegrass, Timothy)	81	90	90	90	90
Tall Fescue Grass	79	90	83	89	90
Medium-density Weeds	71	79	66	75	74

\* Applicable for sites with less than nine percent slope

\*\* Characterization focuses on the under-story vegetation

**Table G-12 Estimated 50-foot Buffer Performance in American Samoa\***

Type of Buffer Vegetation **	Estimated % Sediment Removal				
	Clay	Silty Clay Loam or Clay-Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
Bahiagrass (Permanent cover)	82	90	90	90	83
Warm-season Grass (i.e., Switchgrass, Lemongrass)	82	90	90	90	85
Dense Grass	82	90	90	90	83
Tall Fescue Grass	82	89	82	89	79
Medium-density Weeds	70	73	62	75	59

\* Applicable for sites with less than nine percent slope

\*\* Characterization focuses on the under-story vegetation

**Table G-13 Estimated 50-foot Buffer Performance in CNMI and Guam\***

Type of Buffer Vegetation **	Estimated % Sediment Removal				
	Clay	Silty Clay Loam or Clay-Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
Bahiagrass (Permanent cover)	80	90	90	90	89
Warm-season Grass (i.e., Switchgrass, Lemongrass)	80	90	90	90	90
Dense Grass	79	90	90	90	89
Tall Fescue Grass	76	90	80	88	87
Medium-density Weeds	63	73	53	68	61

\* Applicable for sites with less than nine percent slope

\*\* Characterization focuses on the under-story vegetation

**Table G-14 Estimated 50-foot Buffer Performance in Puerto Rico\***

Type of Buffer Vegetation**	Estimated % Sediment Removal				
	Clay	Silty Clay Loam or Clay-Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
Bahiagrass (Permanent cover)	83	90	90	90	90
Warm-season Grass (i.e., Switchgrass, Lemongrass)	83	90	90	90	90
Dense Grass	83	90	90	90	90
Tall Fescue Grass	82	90	84	90	89
Medium-density Weeds	72	78	65	76	64

\* Applicable for sites with less than nine percent slope

\*\* Characterization focuses on the under-story vegetation

**Table G-15 Estimated 50-foot Buffer Performance in Virgin Islands\***

Type of Buffer Vegetation**	Estimated % Sediment Removal				
	Clay	Silty Clay Loam or Clay-Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
Bahiagrass (Permanent cover)	85	90	90	90	90
Warm-season Grass (i.e., Switchgrass, Lemongrass)	86	90	90	90	90
Dense Grass	85	90	90	90	90
Tall Fescue Grass	85	90	88	90	89
Medium-density Weeds	75	77	71	78	63

\* Applicable for sites with less than nine percent slope

\*\* Characterization focuses on the under-story vegetation



## ATTACHMENT 2

### Using the Sediment Removal Efficiency Tables – Questions and Answers

- *What if my specific buffer vegetation is not represented in Tables G-8 through G-15?* Tables G - 8 through G - 15 provide a wide range of factors affecting buffer performance; however, there are likely instances where the specific buffer vegetation type on your site is not listed. If you do not see a description of the type of vegetation present at your site, you should choose the vegetation type that most closely matches the vegetation type on your site. You can contact your local Cooperative Extension Service Office (<http://nifa.usda.gov/partners-and-extension-map>) for assistance in determining the vegetation type in Tables G-8 through G-15 that most closely matches your site-specific vegetation.
- *What if there is high variability in local soils?* EPA recognizes that there may be a number of different soil type(s) on any given construction site. General soil information can be obtained from USDA soil survey reports (<http://websoilsurvey.nrcs.usda.gov>) or from individual site assessments performed by a certified soil expert. Tables G-8 through G-15 present eleven generic soil texture classes, grouping individual textures where EPA has determined that performance is similar. If your site contains different soil texture classes, you should use the soil type that best approximates the predominant soil type at your site.
- *What if my site slope is greater than 9 percent after final grade is reached?* As indicated in the buffer performance tables, the estimated sediment removal efficiencies are associated with disturbed slopes of up to 9 percent grade. Where your graded site has an average slope of greater than 9 percent, you should calculate a site-specific buffer performance.
- *How do I calculate my own estimates for sediment reduction at my specific site?* If you determine that it is necessary to calculate your own sediment removal efficiency using site-specific conditions (e.g., slopes at your site are greater than 9 percent), you can use a range of available models that are available to facilitate this calculation, including USDA's RUSLE-series programs and the WEPP erosion model, SEDCAD, SEDIMOT, or other equivalent models.
- *What is my estimated buffer performance if my site location is not represented by Tables G-8 through G-15?* If your site is located in an area not represented by Tables G-8 through G-15, you should use the table that most closely approximates conditions at your site. You may instead choose to conduct a site-specific calculation of the buffer performance.
- *What if only a portion of my site drains to the buffer area?* If only a portion of your site drains to a water of the U.S., where that water is within 50 feet of your earth disturbances, you are only required to meet the equivalency requirement for the stormwater flows corresponding to those portions of the site. See Example 2 below for an example of how this is expected to work.

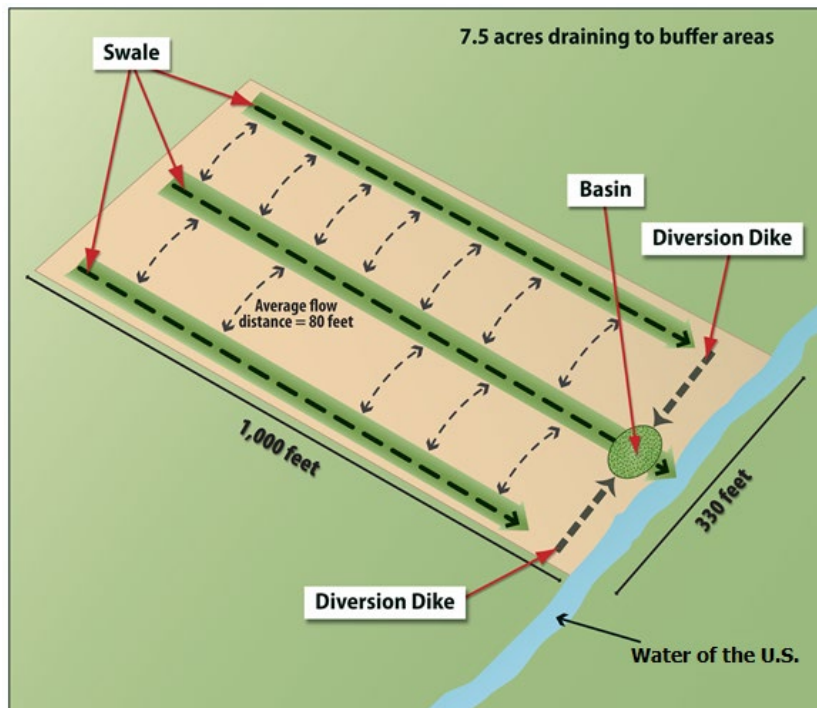
### ATTACHMENT 3

#### Examples of How to Use the Sediment Removal Efficiency Tables

##### Example 1. Comparatively Wet Location (7.5 acre site located in Massachusetts)

The operator of a 7.5-acre construction site in Massachusetts has determined that it is infeasible to establish a buffer of any size on the site, and is now required to select and install controls that will achieve an equivalent sediment load reduction as that estimated in G-9 for their site conditions. The first step is to identify what percentage of eroded sediment is estimated to be retained from a 50-foot buffer. For this example, it is assumed that the site has a relatively uniform gentle slope (3 percent), so Table G-9 can be used to estimate the 50-foot buffer sediment load reduction. If the site's buffer vegetation is best typified by cool-season dense grass and the underlying soil is of a type best described as loamy sand, the 50-foot buffer is projected to capture 90 percent of eroded sediment from the construction site.

The second step is to determine what sediment controls can be selected and installed in combination with the perimeter controls already required to be implemented at the site (see Part 2.2.3), which will achieve the 90 percent sediment removal efficiency from Table G-9. For this example, using the RUSLE2 profile model, it was determined that installing a pair of shallow-sloped diversion ditches to convey runoff to a well-designed and maintained sediment basin provides 99 percent sediment removal. Because the estimated sediment reduction is greater than the required 90 percent that a 50-foot buffer provides, the operator will have met the buffer requirements. See Figure G-5. The operator could also choose a different set of controls, as long as they achieve at least a 90 percent sediment removal efficiency.



**Figure G-5 Example 1 – Equivalent Sediment Load Reductions at a 7.5 ac Site in MA.**

##### Example 2. Arid Location With Pre-existing Disturbances in the Natural Buffer (6.5 acre site located in New Mexico)

An operator of a site in New Mexico determines that it is not feasible to provide a 50-foot buffer, but a 28-foot buffer can be provided. Because the operator will provide a buffer that is less than

50 feet, the operator must determine which controls, in combination with the 28-foot buffer, achieve a sediment load reduction equivalent to the 50-foot buffer. In this example, the project will disturb 6.5 acres of land, but only 1.5 acres of the total disturbed area drains to the buffer area. Within the 28-foot buffer area is a preexisting concrete walkway. Similar to Example 1, the equivalence analysis starts with Step 1 in Part G.2.4 of this Appendix with a review of the New Mexico buffer performance (Table G-10). The operator determines that the predominate vegetation type in the buffer area is prairie grass, the soil type is similar to silt, and the site is of a uniform, shallow slope (e.g., 3 percent grade). Although the operator will take credit for the disturbance caused by the concrete walkway as a natural buffer in Step 2, here the operator can treat the entire buffer area as being naturally vegetated with prairie grass. Based on this information, the operator refers to Table G-10 to estimate that the 50-foot buffer would retain 50 percent of eroded soil.

The second step is to determine, based on the 50 percent sediment removal efficiency found in Table G-10, what sediment controls, in combination with the 28-foot buffer area, can be implemented to reduce sediment loads by 50 percent or more. The operator does not have to account the reduction in buffer function caused by the preexisting walkway, and can take credit for the entire 28-foot buffer being fully vegetated in the analysis. For this example, using the RUSLE2 profile model, the operator determined that installing a fiber roll barrier between the silt fence (already required by Part 2.2.3) and the 28-foot buffer will achieve an estimated 84 percent sediment removal efficiency. See Figure G-6. Note that this operator is subject to the requirement in Part G.2.3 of this Appendix to ensure that discharges through the silt fence, fiber roll barrier, and 28-foot buffer do not cause erosion within the buffer. The estimated sediment reduction is greater than the required 50 percent; therefore the operator will have met the buffer alternative requirement.

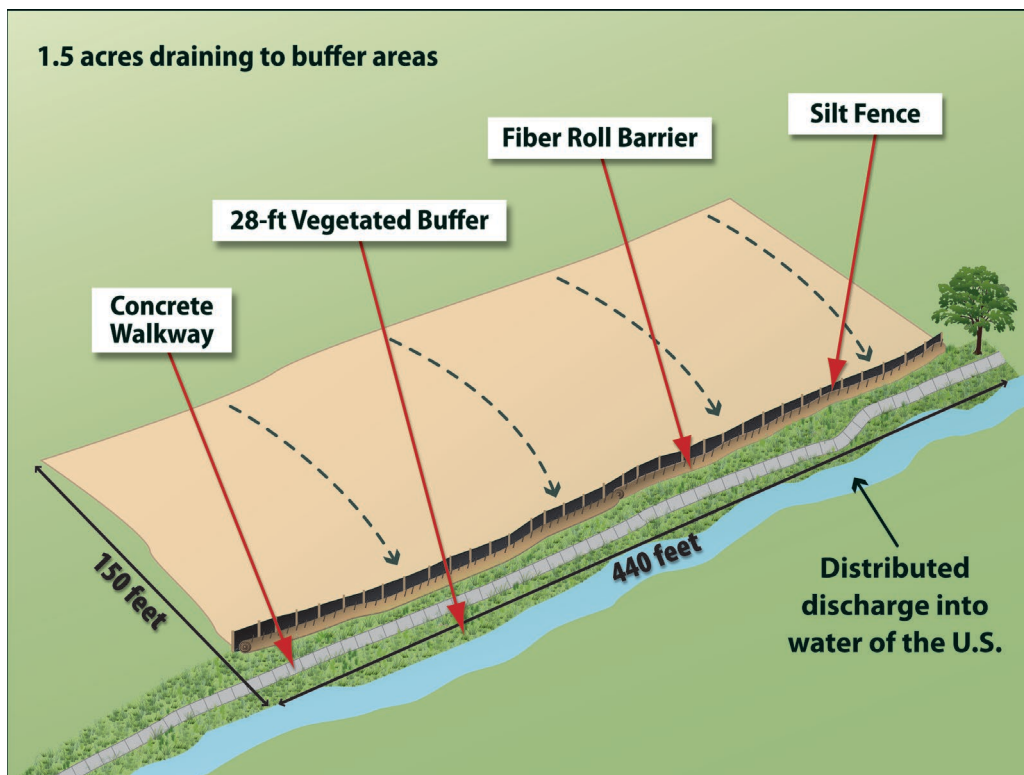


Figure G-6 Example 2 – Equivalent Sediment Load Reductions at a 6.5 ac Site in NM.

## Appendix H – 2-Year, 24-Hour Storm Frequencies

Part 2.2.12 of the permit indicates that if you install a sediment basin, one of the design requirements is to provide storage for either (1) the calculated volume of runoff from a 2-year, 24-hour storm, or (2) 3,600 cubic feet per acre drained. This appendix is intended to provide a guide to permittees to determine the volume of precipitation associated with their local 2-year, 24-hour storm event.

The permittee should start out by determining their local 2-year, 24-hour storm volume. The rainfall frequency atlases, technical papers, and the Precipitation Frequency Data Server (PFDS) developed by the National Oceanic and Atmospheric Administration's (NOAA) National Weather Service (NWS) serve as national standards for rainfall intensity at specified frequencies and durations in the United States. Table H-1 identifies methods for determining precipitation frequency based on permit area. EPA notes that permittees may also use alternative peer-reviewed data sources not listed in Table H - 1 to determine the 2-year, 24-hour storm for their site.

**Table H - 1 – Method to Determine Precipitation Frequency Based on Permit Area**

PERMIT AREA	METHOD TO DETERMINE PRECIPITATION FREQUENCY
District of Columbia	PFDS; NOAA Atlas 14, Vol. 2
Idaho	NOAA Atlas 2, Vol. 5; Technical Paper 40
Massachusetts	Technical Paper 40
New Hampshire	Technical Paper 40
New Mexico	PFDS; Technical Paper 40
Selected Pacific Islands	PFDS; Technical Paper 40
Puerto Rico and the U.S Virgin Islands	PFDS; Technical Paper 40
Other	PFDS; Technical Paper 40; NOAA Atlas 2 or 14

### How to Determine Your Local 2-year, 24-hour Storm Size

Projects located in the **District of Columbia, Massachusetts, New Hampshire, New Mexico, Puerto Rico, U.S. Virgin Islands, or Pacific Islands** can use the PFDS at <http://hdsc.nws.noaa.gov/hdsc/pfds/index.html> or the appropriate NOAA's Atlas 14 Volume at <http://www.nws.noaa.gov/oh/hdsc/currentpf.htm> to determine their precipitation frequency.

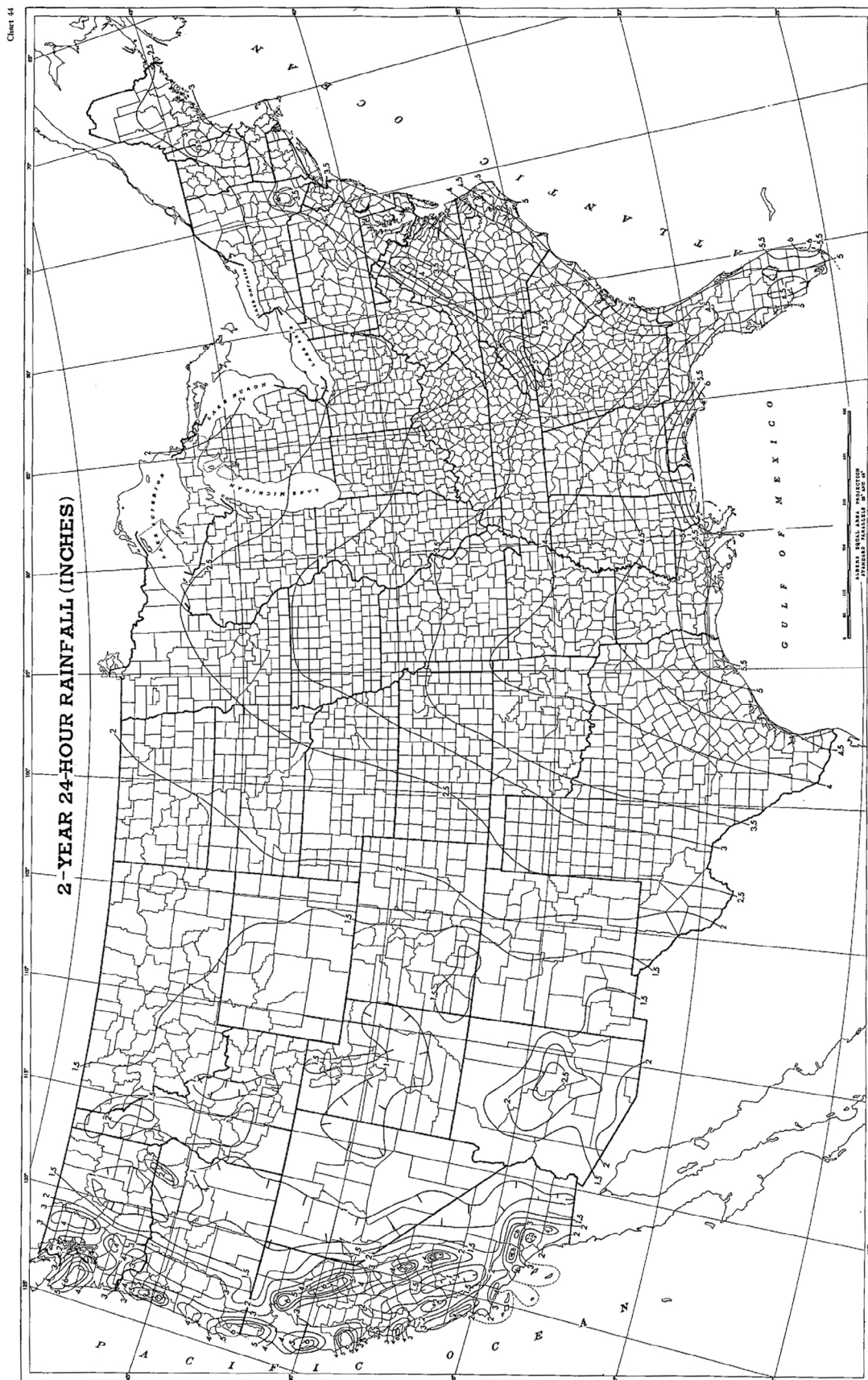
The PFDS is an easy to use, point-and-click interface to official U.S. precipitation frequency estimates and intensities. The opening PFDS screen is a clickable map of the United States. Upon clicking on a state, a state-specific interface appears. From this page the user selects the following:

- A location: Either via clicking on the map or manually entering a longitude/latitude coordinate;
- Data type: precipitation depth or precipitation intensity
- Units: english or metric; and
- Time series type: partial duration or annual maximum.

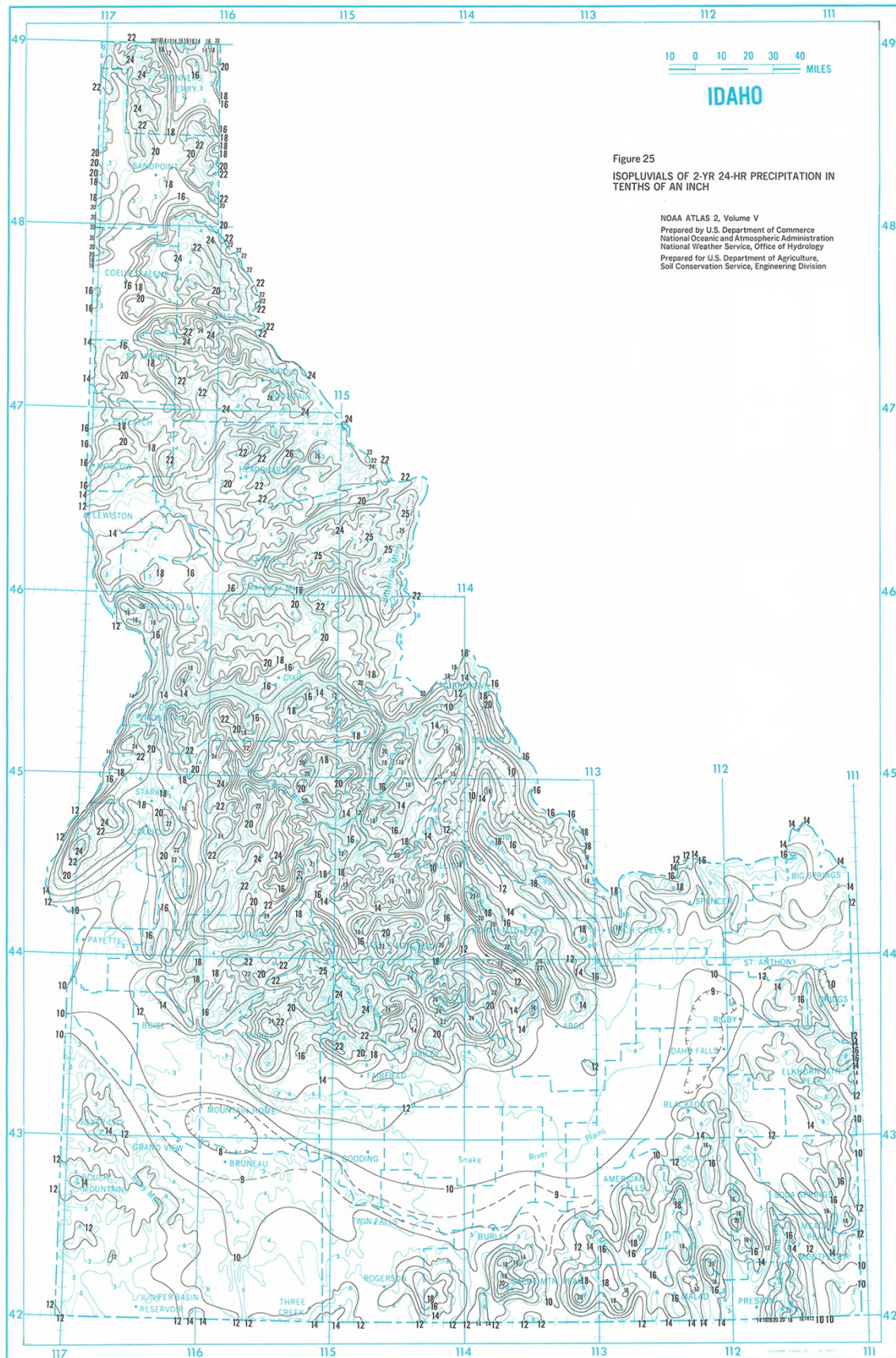
Additionally, PFDS also serves as a tool for providing references and other information for other current precipitation frequency standards that are not yet updated.

Projects located in **Idaho** can use the NOAA Atlas 2, Vol. 5 to determine their precipitation frequency. NOTE: Precipitation Frequencies on the NOAA Atlas 2, Vol. 5 are in tenths of an inch and will have to be converted to inches to determine precipitation frequency. NOAA Atlas 2, Vol. 5 can be accessed at [http://www.nws.noaa.gov/oh/hdsc/PF\\_documents/Atlas2\\_Volume5.pdf](http://www.nws.noaa.gov/oh/hdsc/PF_documents/Atlas2_Volume5.pdf). (See also attached map of NOAA Atlas 2, Vol. 5)

Projects located in areas not covered by the PFDS or NOAA Atlases will need to use TP-40 to identify the precipitation frequency. TP-40 provides a map of the continental U.S. for the 2-year, 24-hour rainfall. TP40 can be accessed at [http://www.nws.noaa.gov/oh/hdsc/PF\\_documents/TechnicalPaper\\_No40.pdf](http://www.nws.noaa.gov/oh/hdsc/PF_documents/TechnicalPaper_No40.pdf). (See also attached map of TP-40)







## Appendix I - Standard Permit Conditions

Standard permit conditions in Appendix I are consistent with the general permit provisions required under 40 CFR 122.41.

### I.1 Duty To Comply.

You must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

**I.1.1** You must comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards, even if the permit has not yet been modified to incorporate the requirement.

**I.1.2** Penalties for Violations of Permit Conditions: The Director will adjust the civil and administrative penalties listed below in accordance with the Civil Monetary Penalty Inflation Adjustment Rule (61 FR 252, December 31, 1996, pp. 69359-69366, as corrected in 62 FR 54, March 20, 1997, pp.13514-13517) as mandated by the Debt Collection Improvement Act of 1996 for inflation on a periodic basis. This rule allows EPA's penalties to keep pace with inflation. The Agency is required to review its penalties at least once every 4 years thereafter and to adjust them as necessary for inflation according to a specified formula. The civil and administrative penalties following were adjusted for inflation starting in 1996.

#### I.1.2.1 *Criminal Penalties.*

- a. *Negligent Violations.* The CWA provides that any person who negligently violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to criminal penalties of not less than \$2,500 nor more than \$25,000 per day of violation, or imprisonment of not more than one year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation or by imprisonment of not more than two years, or both.
- b. *Knowing Violations.* The CWA provides that any person who knowingly violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both.
- c. *Knowing Endangerment.* The CWA provides that any person who knowingly violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act and who knows at that time that he or she is placing another person in imminent danger of death or serious bodily injury shall upon conviction be subject to a fine of not more than \$250,000 or by imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in Section 309(c)(3)(B)(iii) of the Act, shall, upon conviction of violating the imminent danger provision be subject to a fine of not



more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions.

- d. *False Statement.* The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both. The Act further provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

I.1.2.2 *Civil Penalties.* The CWA provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a civil penalty not to exceed the maximum amount authorized by Section 309(d) of the Act, as adjusted pursuant to the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended (28 U.S.C. § 2461 note), and codified at 40 CFR § 19.4.

I.1.2.3 *Administrative Penalties.* The CWA provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to an administrative penalty, as follows

- a. *Class I Penalty.* Not to exceed the maximum amounts authorized by Section 309(g)(2)(A) of the Act, as adjusted pursuant to the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note), as amended (28 U.S.C. § 2461 note), and codified at 40 CFR § 19.4.
- b. *Class II Penalty.* Not to exceed the maximum amounts authorized by Section 309(g)(2)(B) of the Act, as adjusted pursuant to the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note), as amended, (28 U.S.C. § 2461 note), and codified at 40 CFR § 19.4.

## **I.2 Duty to Reapply.**

If you wish to continue an activity regulated by this permit after the expiration date of this permit, you must apply for and obtain authorization as required by the new permit once EPA issues it.

## **I.3 Need to Halt or Reduce Activity Not a Defense.**

It shall not be a defense for you in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

## **I.4 Duty to Mitigate.**

You must take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

**I.5 Proper Operation and Maintenance.**

You must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by you to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by you only when the operation is necessary to achieve compliance with the conditions of this permit.

**I.6 Permit Actions.**

This permit may be modified, revoked and reissued, or terminated for cause. Your filing of a request for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

**I.7 Property Rights.**

This permit does not convey any property rights of any sort, or any exclusive privileges.

**I.8 Duty to Provide Information.**

You must furnish to EPA or an authorized representative (including an authorized contractor acting as a representative of EPA), within a reasonable time, any information that EPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. You must also furnish to EPA or an authorized representative upon request, copies of records required to be kept by this permit.

**I.9 Inspection and Entry.**

You must allow EPA or an authorized representative (including an authorized contractor acting as a representative of EPA), upon presentation of credentials and other documents as may be required by law, to:

- I.9.1** Enter upon your premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- I.9.2** Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- I.9.3** Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- I.9.4** Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

**I.10 Monitoring and Records.**

- I.10.1** Samples and measurements taken for the purpose of monitoring must be representative of the volume and nature of the monitored activity.
- I.10.2** You must retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date the permit expires or the date the permittee's authorization is terminated. This period may be extended by request of EPA at any time.

**I.10.3** Records of monitoring information must include:

- I.10.3.1 The date, exact place, and time of sampling or measurements;
- I.10.3.2 The individual(s) who performed the sampling or measurements;
- I.10.3.3 The date(s) analyses were performed
- I.10.3.4 The individual(s) who performed the analyses;
- I.10.3.5 The analytical techniques or methods used; and
- I.10.3.6 The results of such analyses.

**I.10.4** Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in the permit.**I.10.5** The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both.**I.11 Signatory Requirements.****I.11.1** All applications, including NOIs, must be signed as follows:

I.11.1.1 For a corporation: By a responsible corporate officer. For the purpose of this subsection, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

I.11.1.2 For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or

I.11.1.3 For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this subsection, a principal executive officer of a federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA).

**I.11.2** Your SWPPP, including changes to your SWPPP, inspection reports, and any other compliance documentation required under this permit, must be signed by a person described in Appendix I, Subsection I.11.1 above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

I.11.2.1 The authorization is made in writing by a person described in Appendix I, Subsection I.11.1;

- I.11.2.2 The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and
- I.11.2.3 The signed and dated written authorization is included in the SWPPP. A copy must be submitted to EPA, if requested.
- I.11.3** Changes to Authorization. If an authorization under this permit is no longer accurate because a different operator has responsibility for the overall operation of the construction site, a new NOI must be submitted to EPA. See Table 1 in Part 1.4.2 of the permit. However, if the only change that is occurring is a change in contact information or a change in the facility's address, the operator need only make a modification to the existing NOI submitted for authorization.
- I.11.4** Any person signing documents in accordance with Appendix I, Subsections I.11.1 or I.11.2 above must include the following certification:
- "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information contained therein. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information contained is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is other than true, accurate, and complete I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."
- I.11.5** For persons signing NOIs electronically, in addition to meeting other applicable requirements in Appendix I, Subsection I.11, such signatures must meet the same signature, authentication, and identity-proofing standards set forth at 40 CFR § 3.2000(b) for electronic reports (including robust second-factor authentication).
- I.11.6** The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.
- I.12 Reporting Requirements.**
- I.12.1** Planned changes. You must give notice to EPA as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
- I.12.1.1 The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or
- I.12.1.2 The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR 122.42(a)(1).

- I.12.2** Anticipated noncompliance. You must give advance notice to EPA of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- I.12.3** Transfers. This permit is not transferable to any person except after notice to EPA. Where a facility wants to change the name of the permittee, the original permittee (the first owner or operators) must submit a Notice of Termination pursuant to Part 8. The new owner or operator must submit a Notice of Intent in accordance with Part 1.7 and Table 1. See also requirements in Appendix I, Subsections I.11.1 and I.11.2.
- I.12.4** Monitoring reports. Monitoring results must be reported at the intervals specified elsewhere in this permit.
- I.12.4.1** Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by EPA for reporting results of monitoring of sludge use or disposal practices.
- I.12.4.2** If you monitor any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR 136 unless otherwise specified in 40 CFR Part 503, or as specified in the permit, the results of this monitoring must be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by EPA.
- I.12.5** Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit must be submitted no later than 14 days following each schedule date.
- I.12.6** Twenty-four hour reporting. In addition to reports required elsewhere in this permit:
- I.12.6.1** You must report any noncompliance which may endanger health or the environment directly to the EPA Regional Office (see contacts at <https://www2.epa.gov/national-pollutant-discharge-elimination-system-npdes/contact-us-stormwater#regional>). Any information must be provided orally within 24 hours from the time you become aware of the circumstances. A written submission must also be provided within five days of the time you become aware of the circumstances. The written submission must contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
- I.12.6.2** The following shall be included as information which must be reported within 24 hours under this paragraph.
- Any unanticipated bypass which exceeds any effluent limitation in the permit. (See 40 CFR 122.41(m)(3)(ii))
  - Any upset which exceeds any effluent limitation in the permit
  - Violation of a maximum daily discharge limit for any numeric effluent limitation. (See 40 CFR 122.44(g).)
- I.12.6.3** EPA may waive the written report on a case-by-case basis for reports under Appendix I, Subsection I.12.6.2 if the oral report has been received within 24 hours.
- I.12.7** Other noncompliance. You must report all instances of noncompliance not reported under Appendix I, Subsections I.12.4, I.12.5, and I.12.6, at the time monitoring reports are submitted. The reports must contain the information listed in Appendix I, Subsection I.12.6.
- I.12.8** Other information. Where you become aware that you failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application

or in any report to the Permitting Authority, you must promptly submit such facts or information.

### **I.13 Bypass.**

#### **I.13.1 Definitions.**

I.13.1.1 Bypass means the intentional diversion of waste streams from any portion of a treatment facility See 40 CFR 122.41 (m)(1)(i).

I.13.1.2 Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production. See 40 CFR 122.41 (m)(1)(ii).

**I.13.2** Bypass not exceeding limitations. You may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Appendix I, Subsections I.13.3 and I.13.4. See 40 CFR 122.41 (m)(2).

#### **I.13.3 Notice.**

I.13.3.1 Anticipated bypass. If you know in advance of the need for a bypass, you must submit prior notice, if possible at least ten days before the date of the bypass. See 40 CFR 122.41 (m)(3)(i).

I.13.3.2 Unanticipated bypass. You must submit notice of an unanticipated bypass as required in Appendix I, Subsection I.12.6 (24-hour notice). See 40 CFR 122.41 (m)(3)(ii).

**I.13.4** Prohibition of bypass. See 40 CFR 122.41 (m)(4).

I.13.4.1 Bypass is prohibited, and EPA may take enforcement action against you for bypass, unless:

- a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
- c. You submitted notices as required under Appendix I, Subsection I.13.3.

I.13.4.2 EPA may approve an anticipated bypass, after considering its adverse effects, if EPA determines that it will meet the three conditions listed above in Appendix I, Subsection I.13.4.1.

### **I.14 Upset.**

**I.14.1** Definition. Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond your reasonable control. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. See 40 CFR 122.41 (n)(1).

**I.14.2** Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of Appendix I, Subsection I.14.3 are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review. See 40 CFR 122.41(n)(2).

**I.14.3** Conditions necessary for a demonstration of upset. See 40 CFR 122.41(n)(3). A permittee who wishes to establish the affirmative defense of upset must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

I.14.3.1 An upset occurred and that you can identify the cause(s) of the upset;

I.14.3.2 The permitted facility was at the time being properly operated; and

I.14.3.3 You submitted notice of the upset as required in Appendix I, Subsection I.12.6.2.b (24 hour notice).

I.14.3.4 You complied with any remedial measures required under Appendix I, Subsection I.4.

**I.14.4** Burden of proof. In any enforcement proceeding, you, as the one seeking to establish the occurrence of an upset, have the burden of proof. See 40 CFR 122.41(n)(4).

#### **I.15 Retention of Records.**

Copies of the SWPPP and all documentation required by this permit, including records of all data used to complete the NOI to be covered by this permit, must be retained for at least three years from the date that permit coverage expires or is terminated. This period may be extended by request of EPA at any time.

#### **I.16 Reopener Clause.**

**I.16.1** Procedures for modification or revocation. Permit modification or revocation will be conducted according to 40 CFR § 122.62, § 122.63, § 122.64 and § 124.5.

**I.16.2** Water quality protection. If there is evidence indicating that the stormwater discharges authorized by this permit cause, have the reasonable potential to cause or contribute to an excursion above any applicable water quality standard, you may be required to obtain an individual permit, or the permit may be modified to include different limitations and/or requirements.

**I.16.3** Timing of permit modification. EPA may elect to modify the permit prior to its expiration (rather than waiting for the new permit cycle) to comply with any new statutory or regulatory requirements, such as for effluent limitation guidelines that may be promulgated in the course of the current permit cycle.

#### **I.17 Severability.**

Invalidation of a portion of this permit does not necessarily render the whole permit invalid. EPA's intent is that the permit is to remain in effect to the extent possible; in the event that any part of this permit is invalidated, EPA will advise the regulated community as to the effect of such invalidation.

## **Appendix J - Notice of Intent (NOI) Form and Instructions**

Part 1.4.1 requires you to use the NPDES eReporting Tool, or "NeT" system, to prepare and submit your NOI electronically. However, if the EPA Regional Office grants you a waiver to use a paper NOI form, and you elect to use it, you must complete and submit the following form.



NPDES FORM 3510-9		UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, DC 20460 NOTICE OF INTENT FOR THE 2017 NPDES CONSTRUCTION GENERAL PERMIT	Form Approved. OMB No. 2040-0004
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Submission of this Notice of Intent (NOI) constitutes notice that the operator identified in Section III of this form requests authorization to discharge pursuant to the NPDES Construction General Permit (CGP) permit number identified in Section II of this form. Submission of this NOI also constitutes notice that the operator identified in Section III of this form meets the eligibility requirements of Part 1.1 CGP for the project identified in Section IV of this form. Permit coverage is required prior to commencement of construction activity until you are eligible to terminate coverage as detailed in Part 8 of the CGP. To obtain authorization, you must submit a complete and accurate NOI form. Discharges are not authorized if your NOI is incomplete or inaccurate or if you were never eligible for permit coverage. Refer to the instructions at the end of this form.

### I. Approval to Use Paper NOI Form

Have you been granted a waiver from electronic reporting from the Regional Office \*? ☐ YES ☐ NO

If yes, check which waiver you have been granted, , the name of the EPA Regional Office staff person who granted the waiver, and the date of approval:

Waiver granted: ☐ The owner/operator's headquarters is physically located in a geographic area (i.e., ZIP code or census tract) that is identified as under-served for broadband Internet access in the most recent report from the Federal Communications Commission.

☐ The owner/operator has issues regarding available computer access or computer capability.

Name of EPA staff person that granted the waiver:

Date approval obtained:

**\* Note: You are required to obtain approval from the applicable Regional Office prior to using this paper NOI form. If you have not obtained a waiver, you must file this form electronically using the NPDES eReporting Tool (NeT).**

### II. Permit Information

NPDES ID (EPA Use Only):

Master Permit Number: 



 (see Appendix B of the CGP for the list of eligible permit numbers)

### III. Operator Information

**Operator Information**

Operator Name:

Are you requesting coverage under this NOI as a "federal operator" as defined in Appendix A? ☐ YES ☐ NO

Mailing Address:

Street:

City: 



 State: 



 ZIP Code: 



 -

County or Similar Government Division:

Phone: 



 - 



 - 



 Ext.

E-mail:

Operator Point of Contact Information:

First Name, Middle Initial, Last Name:

Title:

**NOI Preparer (Complete if NOI was prepared by someone other than the certifier):**

First Name, Middle Initial, Last Name:

Organization:

Phone: 



 - 



 - 



 Ext.

E-mail:

#### IV. Project/Site Information

Project/Site Name:

##### Project/Site Address:

Street/Location:

City:  State:  ZIP Code:  -

County or Similar Government Subdivision:

For the project/site you are seeking permit coverage, provide the following information:

Latitude/Longitude (Use decimal degrees and specify method):

Latitude:  ° N (decimal degrees) Longitude:  ° W (decimal degrees)

Latitude/Longitude Data Source: ☐ Map ☐ GPS ☐ Other \_\_\_\_\_ Horizontal Reference Datum: ☐ NAD 27 ☐ NAD 83 ☐ WGS 84

Is your project/site located in Indian country lands, or located on a property of religious or cultural significance to an Indian tribe? ☐ YES ☐ NO

If yes, provide the name of the Indian tribe associated with the area of Indian country (including name of Indian reservation, if applicable), or if not in Indian country, provide the name of the Indian tribe associated with the property:

Estimated Project Start Date:  /  /  Estimated Project Completion Date:  /  /

Estimated Area to be Disturbed (to the nearest quarter acre):  .

Type of Construction Site (check all that apply): ☐ Single-Family Residential ☐ Multi-Family Residential ☐ Commercial ☐ Industrial

☐ Institutional ☐ Highway or Road ☐ Utility ☐ Other

Will there be demolition of any structure built or renovated before January 1, 1980? ☐ YES ☐ NO

If yes, do any of the structures being demolished have at least 10,000 square feet of floor space? ☐ YES ☐ NO

Was the pre-development land use used for agriculture (see Appendix A for definition of "agricultural land")? ☐ YES ☐ NO

Have earth-disturbing activities commenced on your project/site? ☐ YES ☐ NO

If yes, is your project an "emergency-related project" (see Appendix A)? ☐ YES ☐ NO

Have stormwater discharges from your project/site been covered previously under an NPDES permit? ☐ YES ☐ NO

If yes, provide the NPDES ID (if you had coverage under EPA's 2012 CGP or the NPDES permit number if you had coverage under an EPA individual permit:

#### V. Discharge Information

By indicating "Yes" below, I confirm that I understand that the CGP only authorizes the allowable stormwater discharges in Part 1.2.1 and the allowable non-stormwater discharges listed in Part 1.2.2. Any discharges not expressly authorized in this permit cannot become authorized or shielded from liability under CWA section 402(k) by disclosure to EPA, state, or local authorities after issuance of this permit via any means, including the Notice of Intent (NOI) to be covered by the permit, the Stormwater Pollution Prevention Plan (SWPPP), during an inspection, etc. If any discharges requiring NPDES permit coverage other than the allowable stormwater and non-stormwater discharges listed in Parts 1.2.1 and 1.2.2 will be discharged, they must be covered under another NPDES permit.

☐ YES

Does your project/site discharge stormwater into a Municipal Separate Storm Sewer System (MS4)? ☐ YES ☐ NO

Are there any waters of the U.S. within 50 feet of your project's earth disturbances? ☐ YES ☐ NO

Receiving Waters Information: (Attach a separate list if necessary)			
Point of Discharge ID	For each point of discharge, provide the following receiving water information:		
	Provide the name of the first water of the U.S. that receives stormwater directly from the point of discharge and/or from the MS4 that the point of discharge discharges to:	If the receiving water is impaired (on the CWA 303(d) list), list the pollutants that are causing the impairment:	If a TMDL been completed for this receiving waterbody, providing the following information:
			<p>TMDL Name and ID:</p>           <p>Pollutant(s) for which there is a TMDL:</p>
			<p>TMDL Name and ID:</p>           <p>Pollutant(s) for which there is a TMDL:</p>
			<p>TMDL Name and ID:</p>           <p>Pollutant(s) for which there is a TMDL:</p>
			<p>TMDL Name and ID:</p>           <p>Pollutant(s) for which there is a TMDL:</p>

			<b>TMDL Name and ID:</b>  <b>Pollutant(s) for which there is a TMDL:</b>
			<b>TMDL Name and ID:</b>  <b>Pollutant(s) for which there is a TMDL:</b>

Are any of the waters of the U.S. to which you discharge designated by the state or tribal authority under its antidegradation policy as a Tier 2 (or Tier 2.5) water (water quality exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water) or as a Tier 3 water (Outstanding National Resource Water)? (See Appendix F).

☐ YES ☐ NO

If yes, name(s) of receiving water(s) and its designation (Tier 2, Tier 2.5 or Tier 3):

#### VI. Chemical Treatment Information

Will you use polymers, flocculants, or other treatment chemicals at your construction site? ☐ YES ☐ NO

If yes, will you use cationic treatment chemicals at your construction site\*? ☐ YES ☐ NO

If yes, have you been authorized to use cationic treatment chemicals by your applicable EPA Regional Office in advance of filing your NOI\*?  
☐ YES ☐ NO

If you have been authorized to use cationic treatment chemicals by your applicable EPA Regional Office, attach a copy of your authorization letter and include documentation of the appropriate controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will not lead to a violation of water quality standards.

Please indicate the treatment chemicals that you will use:

\* Note: You are ineligible for coverage under this permit unless you notify your applicable EPA Regional Office in advance and the EPA office authorizes coverage under this permit after you have included appropriate controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will not lead to a violation of water quality standards.

#### VII. Stormwater Pollution Prevention Plan (SWPPP) Information

Has the SWPPP been prepared in advance of filing this NOI, as required? ☐ YES ☐ NO

##### SWPPP Contact Information:

First Name, Middle Initial Last Name:

Professional Title:

Phone:  -  -  Ext.

E-mail:

## VIII. Endangered Species Protection

Using the instructions in Appendix D of the CGP, under which criterion listed below are you eligible for coverage under this permit? Check only 1 box, include the required information and provide a sound basis for supporting the criterion selected. You must consider Endangered Species Act listed threatened or endangered species (ESA-listed) and/or designated critical habitat(s) under the jurisdiction of both the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) and select the most conservative criterion that applies.

- ☐ **A** No ESA-listed species and/or designated critical habitat present in action area. Using the process outlined in Appendix D of this permit, you certify that ESA-listed species and designated critical habitat(s) under the jurisdiction of the USFWS or NMFS are not likely to occur in your site's "action area" as defined in Appendix A of this permit. **[Basis statement content: A basis statement supporting the selection of this criterion should identify the USFWS and NMFS information sources used. Attaching aerial image(s) of the site to this NOI is helpful to EPA, USFWS, and NMFS in confirming eligibility under this criterion. Please Note: NMFS' jurisdiction includes ESA-listed marine and estuarine species that spawn in inland rivers.]**
- ☐ **B** Eligibility requirements met by another operator under the 2017 CGP. The construction site's discharges and discharge-related activities were already addressed in another operator's valid certification of eligibility for your "action area" under eligibility Criterion A, C, D, E, or F of the 2017 CGP and you have confirmed that no additional ESA-listed species and/or designated critical habitat under the jurisdiction of USFWS and/or NMFS not considered in the that certification may be present or located in the "action area." To certify your eligibility under this criterion, there must be no lapse of NPDES permit coverage in the other CGP operator's certification. By certifying eligibility under this criterion, you agree to comply with any conditions upon which the other CGP operator's certification was based. You must include in your NOI the NPDES ID from the other 2017CGP operator's notification of authorization under this permit. If your certification is based on another 2017 CGP operator's certification under criterion C, you must provide EPA with the relevant supporting information required of existing dischargers in criterion C in your NOI form. **[Basis statement content: A basis statement supporting the selection of this criterion should identify the eligibility criterion of the other CGP NOI, the authorization date, and confirmation that the authorization is effective.]**

If you select criterion B, provide the NPDES ID from the other operator's notification of authorization under this permit:

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- ☐ **C** Discharges not likely to adversely affect ESA-listed species and/or designated critical habitat. ESA-listed species and/or designated critical habitat(s) under the jurisdiction of the USFWS and/or NMFS are likely to occur in or near your site's "action area," and you certify to EPA that your site's discharges and discharge-related activities are not likely to adversely affect ESA-listed threatened or endangered species and/or designated critical habitat. This certification may include consideration of any stormwater controls and/or management practices you will adopt to ensure that your discharges and discharge-related activities are not likely to adversely affect ESA-listed species and/or designated critical habitat. To certify your eligibility under this criterion, indicate 1) the ESA-listed species and/or designated habitat located in your "action area" using the process outlined in Appendix D of this permit; 2) the distance between the site and the listed species and/or designated critical habitat in the action area (in miles); and 3) a rationale describing specifically how adverse effects to ESA-listed species will be avoided from the discharges and discharge-related activities. You must also include a copy of your site map from your SWPPP showing the upland and in-water extent of your "action area" with this NOI. **[Basis statement content: A basis statement supporting the selection of this criterion should identify the information resources and expertise (e.g., state or federal biologists) used to arrive at this conclusion. Any supporting documentation should explicitly state that both ESA-listed species and designated critical habitat under the jurisdiction of the USFWS and/or NMFS were considered in the evaluation.]**

What ESA-listed species and/or designated critical habitat are located in your "action area":

Distance between your site and the ESA-listed species and/or designated critical habitat within the action area (in miles, state "on site" if the ESA-listed species and/or designated critical habitat is within the area to be disturbed):

- ☐ **D** Coordination with USFWS and/or NMFS has successfully concluded. Coordination between you and the USFWS and/or NMFS has concluded. The coordination must have addressed the effects of your site's discharges and discharge-related activities on ESA-listed species and/or designated critical habitat under the jurisdiction of USFWS and/or NMFS, and resulted in a written concurrence from USFWS and/or NMFS that your site's discharges and discharge-related activities are not likely to adversely affect listed species and/or critical habitat. You must include copies of the correspondence with the participating agencies in your SWPPP and this NOI. **[Basis statement content: A basis statement supporting the selection of this criterion should identify whether USFWS or NMFS or both agencies participated in coordination, the field office/regional office(s) providing that coordination, and the date that coordination concluded.]**
- ☐ **E** ESA Section 7 consultation has successfully concluded. Consultation between a Federal Agency and the USFWS and/or NMFS under section 7 of the ESA has concluded. The consultation must have addressed the effects of the construction site's discharges and discharge-related activities on ESA-listed species and/or designated critical habitat under the jurisdiction of USFWS and/or NMFS. To certify eligibility under this criterion, indicate the result of the consultation:
- ☐ biological opinion from USFWS and/or NMFS that concludes that the action in question (taking into account the effects of your site's discharges and discharge-related activities) is not likely to jeopardize the continued existence of listed species, nor the destruction or adverse modification of critical habitat; or
- ☐ written concurrence from USFWS and/or NMFS with a finding that the site's discharges and discharge-related activities are not likely to adversely affect ESA-listed species and/or designated critical habitat.

You must include copies of the correspondence between yourself and the USFWS and/or NMFS in your SWPPP and this NOI. **[Basis statement content: A basis statement supporting the selection of this criterion should identify the federal action agency(ies) involved, the field office/regional office(s) providing that consultation, any tracking numbers of identifiers associated with that consultation (e.g., IPaC number, PCTS number), and the date the consultation was completed.]**

Provide a brief summary of the basis for criterion selection listed above [the necessary content for a supportive basis statement is provided under the criterion you selected].

Are you installing any stormwater controls as described in Appendix E that require subsurface earth disturbance? (Appendix E, Step 1) ☐ YES ☐ NO

If yes, have prior surveys or evaluations conducted on the site have already determined historic properties do not exist, or that prior disturbances have precluded the existence of historic properties? (Appendix E, Step 2) ☐ YES ☐ NO

If no, have you determined that your installation of subsurface earth-disturbing stormwater controls will have no effect on historic properties? (Appendix E, Step 3) ☐ YES ☐ NO

If no, did the SHPO, THPO, or other tribal representative (whichever applies) respond to you within the 15 calendar days to indicate whether the subsurface earth disturbances caused by the installation of stormwater controls affect historic properties? (Appendix E, Step 4) ☐ YES ☐ NO

If yes, describe the nature of their response:

- ☐ Written indication that no historic properties will be affected by the installation of stormwater controls.
- ☐ Written indication that adverse effects to historic properties from the installation of stormwater controls can be mitigated by agreed upon actions.
- ☐ No agreement has been reached regarding measures to mitigate effects to historic properties from the installation of stormwater controls.
- ☐ Other:

I, \_\_\_\_\_, certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is other than true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

First Name, Middle Initial, Last Name: \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Email: \_\_\_\_\_

**Notice of Intent for the 2017 NPDES Construction General Permit**

NPDES Form Date (2/17)

This Form Replaces Form 3510-9 (02/12)

Form Approved OMB No. 2040-0004

**Who Must File an NOI Form**

Under the provisions of the Clean Water Act, as amended (33 U.S.C. 1251 et. seq.; the Act), federal law prohibits stormwater discharges from certain construction activities to waters of the U.S. unless that discharge is covered under a National Pollutant Discharge Elimination System (NPDES) permit. Operators of construction sites where one or more acres are disturbed, smaller sites that are part of a larger common plan of development or sale where there is a cumulative disturbance of at least one acre, or any other site specifically designated by the Director, must obtain coverage under an NPDES general permit. For coverage under the 2017 CGP, each person, firm, public organization, or any other entity that meets either of the following criteria must file a Notice of Intent form: (1) they have operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or (2) they have day-to-day operational control of those activities at the project necessary to ensure compliance with the permit conditions. If you have questions about whether you need a NPDES stormwater permit, or if you need information to determine whether EPA or your state agency is the permitting authority, contact your EPA Regional Office.

**Completing the Form**

Obtain and read a copy of the 2017 CGP, viewable at <https://www.epa.gov/npdes/stormwater-discharges-construction-activities#cgp>. To complete this form, type or print uppercase letters, in the appropriate areas only. Please place each character between the marks (abbreviate if necessary to stay within the number of characters allowed for each item). Use one space for breaks between words, but not for punctuation marks unless they are needed to clarify your response. If you have any questions on this form, telephone EPA's NOI Processing Center at (866) 352-7755. **Please submit the original document with signature in ink - do not send a photocopied signature.**

**Section I. Approval to Use Paper NOI Form**

You must indicate whether you have been granted a waiver from electronic reporting from the EPA Regional Office. Note that you are not authorized to use this paper NOI form unless the EPA Regional Office has approved its use. Where you have obtained approval to use this form, indicate the waiver that you have been granted, the name of the EPA staff person who granted the waiver, and the date that approval was provided.

See <https://www.epa.gov/npdes/contact-us-stormwater#regional>

for a list of EPA Regional Office contacts.

**Section II. Permit Number**

Provide the master permit number of the permit under which you are applying for coverage (see Appendix B of the general permit for the list of eligible master permit numbers)

**Section III. Operator Information**

Provide the legal name of the person, firm, public organization, or any other entity that operates the project described in this NOI. Refer to Appendix A of the permit for the definition of "operator".

Indicate whether you are seeking coverage under this permit as a "federal operator" as defined in Appendix A.

Also provide a point of contact, the operator's mailing address, county, telephone number, and e-mail address (to be notified via e-mail of NOI approval when available). Correspondence for the NOI will be sent to this address.

If the NOI was prepared by someone other than the certifier (for example, if the NOI was prepared by the facility SWPPP contact or a consultant for the certifier's signature), include the full name, organization, phone number, and email address of the NOI preparer.

**Section IV. Project/Site Information**

Enter the official or legal name and complete street address, including city, state, ZIP code, and county or similar government subdivision of the project or site. If the project or site lacks a street address, indicate the general location of the site (e.g., Intersection of State Highways 61 and 34). Complete site information must be provided for permit coverage to be granted.

Provide the latitude and longitude of your facility in decimal degrees format. The latitude and longitude of your facility can be determined in several different ways, including through the use of global positioning system (GPS) receivers, U.S. Geological Survey (U.S.G.S.) topographic or quadrangle maps, and web-based siting tools, among others. For consistency, EPA requests that measurements be taken from the approximate center of the construction site. For linear construction sites, the measurement should be taken midpoint of the site. If known, enter the horizontal reference datum for your latitude and longitude. The horizontal reference datum is shown on the bottom left corner of USGS topographic maps; it is also available for GPS receivers.

Indicate whether the project is in Indian country lands or located on a property of religious or cultural significance to an Indian tribe, and if so, provide the name of the Indian tribe associated with the area of Indian country (including name of Indian reservation, if applicable), or if not in Indian country, provide the name of the Indian tribe associated with the property.

Enter the estimated construction start and completion dates using four digits for the year (i.e., 10/06/2012). Indicate to the nearest quarter acre the estimated area to be disturbed.

Indicate the type of construction site, if demolition is occurring, and if so, if the structure has at least 10,000 square feet of floor space. Indicate whether the pre-development land use of the site was used for agriculture Appendix A defines "agricultural land" as cropland, grassland, rangeland, pasture, and other agricultural land, on which agricultural and forest-related products or livestock are produced and resource concerns may be addressed. Agricultural lands include cropped woodland, marshes, incidental areas included in the agricultural operation, and other types of agricultural land used for the production of livestock.

Indicate whether earth-disturbing activities have already commenced on your project/site. If earth-disturbing activities have commenced on your site because stormwater discharges from the site have been previously covered under a NPDES permit, you must provide the 2012 CGP NPDES ID or the NPDES permit number if coverage was under an individual permit.

**Section V. Discharge Information**

You must confirm that you understand that the CGP only authorizes the allowable stormwater discharges listed in Part 1.2.1 and the allowable non-stormwater discharges listed in Part 1.2.2.

**Notice of Intent for the 2017 NPDES Construction General Permit**

NPDES Form Date (2/17)

This Form Replaces Form 3510-9 (02/12)

Form Approved OMB No. 2040-0004

Any discharges not expressly authorized under the CGP are not covered by the CGP or the permit shield provision of the CWA Section 402(k) and they cannot become authorized or shielded by disclosure to EPA, state, or local authorities via the NOI to be covered by the permit or by any other means (e.g., in the SWPPP or during an inspection). If any discharges requiring NPDES permit coverage other than the allowable stormwater and non-stormwater discharges listed in Parts 1.2.1 and 1.2.2 will be discharged, they must either be eliminated or covered under another NPDES permit.

Indicate whether discharges from the site will enter into a municipal separate storm sewer system (MS4), as defined in Appendix A.

Also, indicate whether any waters of the U.S. exist within 50 feet from your site. Note that if "yes", you are required to comply with the requirement in Part 2.2.1 of the permit to provide natural buffers or equivalent erosion and sediment controls.

For each unique point of discharge you list, you must specify the name of the first water of the U.S. that receives stormwater directly from the point of discharge and/or from the MS4 that the point of discharge discharges to. You must specify whether any waters of the U.S. that you discharge to are listed as "impaired" as defined in Appendix A, and the pollutants for which the water is impaired. You must identify any Total Maximum Daily Loads (TMDL) that have been completed for any of the waters of the U.S. that you discharge to.

Indicate whether discharges from the site will enter into a water of the U.S. that is designated as a Tier 2, Tier 2.5, or Tier 3 water. A list of Tier 2, 2.5, and 3 waters is provided as Appendix F. If the answer is "yes", name all waters designated as Tier 2, Tier 2.5, or Tier 3 to which the site will discharge.

**Section VI. Chemical Treatment Information**

Indicate whether the site will use polymers, flocculants, or other treatment chemicals. Indicate whether the site will employ cationic treatment chemicals. If the answer is "yes" to either question, indicate which chemical(s) you will use. Note that you are not eligible for coverage under this permit to use cationic treatment chemicals unless you notify your applicable EPA Regional Office in advance and the EPA office authorizes coverage under this permit after you have included appropriate controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will not lead to a violation of water quality standards. If you have been authorized to use cationic treatment chemicals by your applicable EPA Regional Office, attach a copy of your authorization letter and include documentation of the appropriate controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will not lead to a violation of water quality standards. Examples of cationic treatment chemicals include, but are not limited to, cationic polyacrylamide (C-PAM), PolyDADMAC (POLYDIALLYLDIMETHYLAMMONIUM CHLORIDE), and chitosan.

**Section VII. Stormwater Pollution Prevention Plan (SWPPP) Information**

All sites eligible for coverage under this permit are required to prepare a SWPPP in advance of filing the NOI, in accordance with Part 7. Indicate whether the SWPPP has been prepared in advance of filing the NOI.

Indicate the street, city, state, and ZIP code where the SWPPP can be found. Indicate the contact information (name, organization, phone, and email) for the person who developed the SWPPP for this project.

**Section VIII. Endangered Species Information**

Using the instructions in Appendix D, indicate under which criterion (i.e., A, B, C, D, E, or F) of the permit the applicant is eligible with regard to protection of ESA-listed endangered and threatened species and designated critical habitat. A description of the basis for the criterion selected must also be provided.

If criterion B is selected, provide the NPDES Number for the other operator who had previously certified their eligibility for the CGP under criterion A, C, D, E, or F. The Tracking Number was assigned when the operator received coverage under this permit, and is included in the notice of authorization.

If criterion C is selected, you must attach copies of your site map. See Part 7.2.4 of the permit for information about what is required to be in your site map. You must also specify the federally-listed species and/or federally-designated critical habitat that are located in the "action area" of the project, and provide the distance between the construction site and any listed endangered species and/or their designated critical habitat.

If criterion D, E, or F is selected, attach copies of any communications between you and the U.S. Fish and Wildlife Service and National Marine Fisheries Service and identify the participating agencies and Field Offices/Regional Offices you worked with in the basis statement of this NOI.

**Section IX. Historic Preservation**

Use the instructions in Appendix E to complete the questions on the NOI form regarding historic preservation.

**Section X. Certification Information**

The NOI must be signed as follows:

*For a corporation:* By a responsible corporate officer. For the purpose of this Section, a responsible corporate officer means:

(i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

*For a partnership or sole proprietorship:* By a general partner or the proprietor, respectively; or

*For a municipality, state, federal, or other public agency:* By either a principal executive officer or ranking elected official. For purposes of this Part, a principal executive officer of a federal agency includes (i) the chief executive officer of the agency, or



**Notice of Intent for the 2017 NPDES Construction General Permit**

NPDES Form Date (2/17)

This Form Replaces Form 3510-9 (02/12)

Form Approved OMB No. 2040-0004

(ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA). Include the name and title of the person signing the form and the date of signing. An unsigned or undated NOI form will not be considered eligible for permit coverage.

**Modifying Your NOI**

**If you have been granted a waiver from your Regional Office from electronic reporting, and if after submitting your NOI you need to correct or update any fields on this NOI form, you may do so by indicating changes on this same form. Paperwork Reduction Act Notice**

Public reporting burden for this NOI is estimated to average 3.7 hours. This estimate includes time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Send comments regarding the burden estimate, any other aspect of the collection of information, or suggestions for improving this form, including any suggestions which may increase or reduce this burden to: Chief, Information Policy Branch 2136, U.S. Environmental Protection, Agency, 1200 Pennsylvania Avenue, NW, Washington, D.C. 20460. Include the OMB control number on

any correspondence. Do not send the completed form to this address.

**Submitting Your Form**

Submit your NOI form by mail to one of the following addresses:

**For Regular U.S. Mail Delivery:**

Stormwater Notice Processing Center  
Mail Code 4203M, ATTN: 2017 CGP  
U.S. EPA  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

**For Overnight/Express Mail Delivery:**

Stormwater Notice Processing Center  
William Jefferson Clinton East Building - Room 7420  
ATTN: 2017 CGP  
U.S. EPA  
1201 Constitution Avenue, NW  
Washington, DC 20004

Visit this website for instructions on how to submit electronically:

<https://www.epa.gov/npdes/stormwater-discharges-construction-activities#ereporting>

### **Appendix K - Notice of Termination (NOT) Form and Instructions**

Part 8.3 requires you to use the NPDES eReporting Tool, or "NeT" system, to prepare and submit your NOT electronically. However, if you are given a waiver by the EPA Regional Office to use a paper NOT form, and you elect to use it, you must complete and submit the following form.



Submission of this Notice of Termination constitutes notice that the operator identified in Section III of this form is no longer authorized discharge pursuant to the NPDES Construction General Permit (CGP) from the site identified in Section IV of this form. All necessary information must be included on this form. Refer to the instructions at the end of this form.

**I. Approval to Use Paper NOT Form**

Have you been granted a waiver from electronic reporting from the Regional Office \*? ☐ YES ☐ NO

If yes, check which waiver you have been granted, the name of the EPA Regional Office staff person who granted the waiver, and the date of approval:

- Waiver granted: ☐ The owner/operator's headquarters is physically located in a geographic area (i.e., ZIP code or census tract) that is identified as under-served for broadband Internet access in the most recent report from the Federal Communications Commission.
- ☐ The owner/operator has issues regarding available computer access or computer capability.

Name of EPA staff person that granted the waiver:

Date approval obtained:

**\* Note: You must have been given approval by the Regional Office prior to using this paper NOT form. If you have not obtained a waiver, you must file this form electronically using the NPDES eReporting Tool (NeT).**

**II. Permit Information**

NPDES ID:

Reason for Termination (Check only one):

- ☐ You have completed all construction activities at your site, and you have met all other requirements in Part 8.2.1.
- ☐ Another operator has assumed control over all areas of the site and that operator has submitted an NOI and obtained coverage under the CGP.
- ☐ You have obtained coverage under an individual permit or another general NPDES permit addressing stormwater discharges from the construction site.

**III. Operator Information**

Operator Name:

Mailing Address:

Street:

City:  State:  ZIP Code:

County or Similar Government Division:

Phone:  -  -  Ext.

E-mail:

**IV. Project/Site Information**

Project/Site Name:

Project/Site Address:

Street/Location:

City:  State:  ZIP Code:

County or Similar Government Division:

## V. Certification Information

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

First Name, Middle Initial, Last Name:

Title: | | | | | | | | | | | | | | | | | | | | | |

Signature: \_\_\_\_\_ Date:     /     /     /     /     /     /

[illegible]

**Notice of Termination for the 2017 NPDES  
Construction General Permit**

NPDES Form Date (2/17)

This Form Replaces Form 3510-13 (02/12)

Form Approved OMB No. 2040-0004

**Who May File an NOT Form**

Permittees who are presently covered under the EPA-issued 2017 Construction General Permit (CGP) for Stormwater Discharges Associated with Construction Activity may submit an NOT form when: (1) earth-disturbing activities at the site are completed and the conditions in Parts 8.2.1.a through 8.2.1.b are met; or (2) the permittee has transferred all areas under its control to another operator, and that operator has submitted and obtained coverage under this permit; or (3) the permittee has obtained coverage under a different NPDES permit for the same discharges.

**Completing the Form**

Type or print, using uppercase letters, in the appropriate areas only. Please place each character between the marks. Abbreviate if necessary to stay within the number of characters allowed for each item. Use only one space for breaks between words, but not for punctuation marks unless they are needed to clarify your response. If you have any questions about this form, refer to <https://www.epa.gov/npdes/stormwater-discharges-construction-activities#cgp> or telephone EPA's NOI Processing Center at (866) 352-7755. Please submit original document with signature in ink - do not send a photocopied signature.

**Section I. Approval to Use Paper NOT Form**

You must indicate whether you have been granted a waiver from electronic reporting from the EPA Regional Office. Note that you are not authorized to use this paper NOT form unless the EPA Regional Office has approved its use. Where you have obtained approval to use this form, indicate the waiver that you have been granted, the name of the EPA staff person who granted the waiver, and the date that approval was provided.

See <https://www.epa.gov/npdes/contact-us-stormwater#regional> for a list of EPA Regional Office contacts.

**Section II. Permit Information**

Enter the existing NPDES ID assigned to the project. If you do not know the permit tracking number, or contact EPA's NOI Processing Center at (866) 352-7755.

Indicate your reason for submitting this Notice of Termination by checking the appropriate box. Check only one.

**Section III. Operator Information**

Provide the legal name of the person, firm, public organization, or any other entity that operates the project described in this NOT and is covered by the NPDES ID identified in Section II. Enter the complete mailing address, telephone number, and email address of the operator.

**Section IV. Project/Site Information**

Enter the official or legal name and complete street address, including city, state, ZIP code, and county or similar government subdivision of the project or site. If the project or site lacks a street address, indicate the general location of the site (e.g., Intersection of State Highways 61 and 34). Complete site information must be provided for termination of permit coverage to be valid.

**Section V. Certification Information**

The NOT, must be signed as follows:

*For a corporation:* By a responsible corporate officer. For the purpose of this Part, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing,

production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

*For a partnership or sole proprietorship:* By a general partner or the proprietor, respectively; or

*For a municipality, state, federal, or other public agency:* By either a principal executive officer or ranking elected official. For purposes of this Part, a principal executive officer of a federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA).

Include the name, title, and email address of the person signing the form and the date of signing. An unsigned or undated NOT form will not be considered valid termination of permit coverage.

**Paperwork Reduction Act Notice**

Public reporting burden for this NOT is estimated to average 0.5 hours per notice, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Send comments regarding the burden estimate, any other aspect of the collection of information, or suggestions for improving this form including any suggestions which may increase or reduce this burden to: Chief, Information Policy Branch, 2136, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW, Washington, DC 20460. Include the OMB number on any correspondence. Do not send the completed form to this address.

**Submitting Your Form:**

Submit your NOT form by mail to one of the following addresses:

**For Regular U.S. Mail Delivery:**

Stormwater Notice Processing Center  
Mail Code 4203M, ATTN: 2017 CGP  
U.S. EPA  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

**For Overnight/Express Mail Delivery:**

Stormwater Notice Processing Center  
William Jefferson Clinton East Building - Room 7420  
ATTN: 2017 CGP  
U.S. EPA  
1201 Constitution Avenue, NW  
Washington, DC 20004

Visit this website for instructions on how to submit electronically:

<https://www.epa.gov/npdes/stormwater-discharges-construction-activities#ereporting>

### **Appendix L – Suggested Format for Request for Chemical Treatment**

If you plan to add "cationic treatment chemicals" (as defined in Appendix A) to stormwater and/or authorized non-stormwater prior to discharge, Part 1.1.9 requires you to notify your applicable EPA Regional Office in advance of submitting your NOI. The EPA Regional Office will authorize coverage under this permit after you have included appropriate controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will not lead to an exceedance of water quality standards. To notify your EPA Regional Office, you may use following form.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, DC 20460  
SUGGESTED FORMAT FOR NOTIFYING EPA ABOUT PROPOSED USE OF CATIONIC TREATMENT CHEMICALS  
UNDER THE 2017 NPDES CONSTRUCTION GENERAL PERMIT

Under Part 1.1.9 of the 2017 CGP, if you plan to add "cationic treatment chemicals" (as defined in Appendix A) to stormwater and/or authorized non-stormwater prior to discharge, you may not submit your Notice of Intent (NOI) until you notify your applicable EPA Regional Office in advance and the EPA Regional Office authorizes coverage under this permit after you have included appropriate controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will not lead to a violation of water quality standards. You may use this suggested form to notify your EPA Regional Office about your proposed use of cationic treatment chemicals.

### I. Operator Information

Operator Name:

Mailing Address:

Street:

City:  State:  ZIP Code:  -

Phone:  -  -  Ext.

E-mail:

### II. Project/Site Information

Project/Site Name:

Project/Site Address:

Street/Location:

City:  State:  ZIP Code:  -

County or Similar Government Subdivision:

Site contact name (if different from operator):

Site contact phone (if different from operator):  -  -

Name(s) of receiving waterbodies:

### III. Map

Attach a map that illustrates the entire site including all of the below items. Include this map in your Stormwater Pollution Prevention Plan (SWPPP):

- All receiving waterbodies
- All proposed location(s) of chemical treatment system(s)
- All proposed point(s) of discharge to receiving waterbodies
- All soil types within areas to be disturbed
- All area of earth disturbance
- Sufficient indication of topography to indicate where stormwater flows

Attach a schematic drawing of the proposed treatment system(s). Include all components of the treatment train, sample points, and pipe configurations. In addition to sufficient holding capacity upstream of treatment, the system must have the capacity to hold water for testing and to re-treat water that does not meet water quality standards.

#### IV. Responsible Personnel

Treatment System Operator or Company Name (if subcontracted out):

Street/Location:

City:  State:  Zip Code:  -

Responsible personnel. List personnel who will be responsible for operating the chemical treatment systems and application of the chemicals. Cite the training that the personnel have received in operation and maintenance of the treatment system(s) and use of the specific chemical(s) proposed.

#### V. Proposed Treatment

Check proposed treatment system.

- ☐ Chitosan enhanced sand filtration with discharge to infiltration (ground water)
- ☐ Chitosan enhanced sand filtration with discharge to temporary holding ponds (batch).
- ☐ Chitosan enhanced sand filtration with discharge to surface waters (flow-through).
- ☐ Other (describe below and submit documentation that the proposed system and chemical(s) demonstrate the ability to remove turbidity and produce non-toxic effluent/ discharge)

Check proposed cationic chemical(s) to be used:

- ☐ FloccClear™ (2% chitosan acetate solution)
- ☐ StormKlear™ LiquiFloc™ (1% chitosan acetate solution).
- ☐ ChitoVan™ (1% chitosan acetate solution).
- ☐ StormKlear™ LiquiFloc™ (3% Chitosan acetate solution)
- ☐ Other

Estimated Treatment Period Start Date:

Estimated Treatment Period End Date:

Describe sampling and recordkeeping schedule. Attach additional sheets as needed:

Explain why you have selected this proposed treatment system and chemicals. Include an explanation of why the use of cationic treatment chemicals is necessary at the site. Reference how the soil types on your site influenced your choices. Describe or provide an illustration of how the site of the discharge will be stabilized and why the discharge location will not cause erosion of the discharge water's bank or bed (please note that a permit from the Corps and state agencies may be necessary to place rock in the water body for this stabilization). Attach as many additional sheets as needed for a full explanation. If you have a report from a chemical treatment contractor describing their recommended approach you may attach that.



VI. Certification Information
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I have documented and hereby certify that the following information is correct and has been documented in the SWPPP for this project:

- The SWPPP includes a complete site-specific description of the chemical treatment system herein proposed for use, including specifications, design, and Material Safety Data Sheets for all chemicals to be used.
- The controls to be used on the site are compatible with the safe and effective use of cationic chemical treatment.
- I verified through jar tests that the site soil is conducive to chemical treatment.
- I verified that the chemical treatment system operators for this project received training.
- I read, understand, and will follow all conditions and design criteria in the applicable use designation(s).
- If the discharge is to tribal waters, I notified the appropriate tribal government of the intent to use chemical treatment on a site located within that jurisdiction.
- I will keep the use level designation, operation and maintenance manual, and training certificate on site prior to and during use of chemical treatment.
- A licensed engineer designed the system for this project including system sizing, pond sizing, and flow requirements.
- I verify that the discharge will not adversely affect downstream conveyance systems or stream channels (e.g. cause erosion).

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Authorized Official First Name,  
Middle Initial, Last Name:

[illegible][illegible]

Signature: \_\_\_\_\_

Date: | | / | | / | | | |

[illegible]

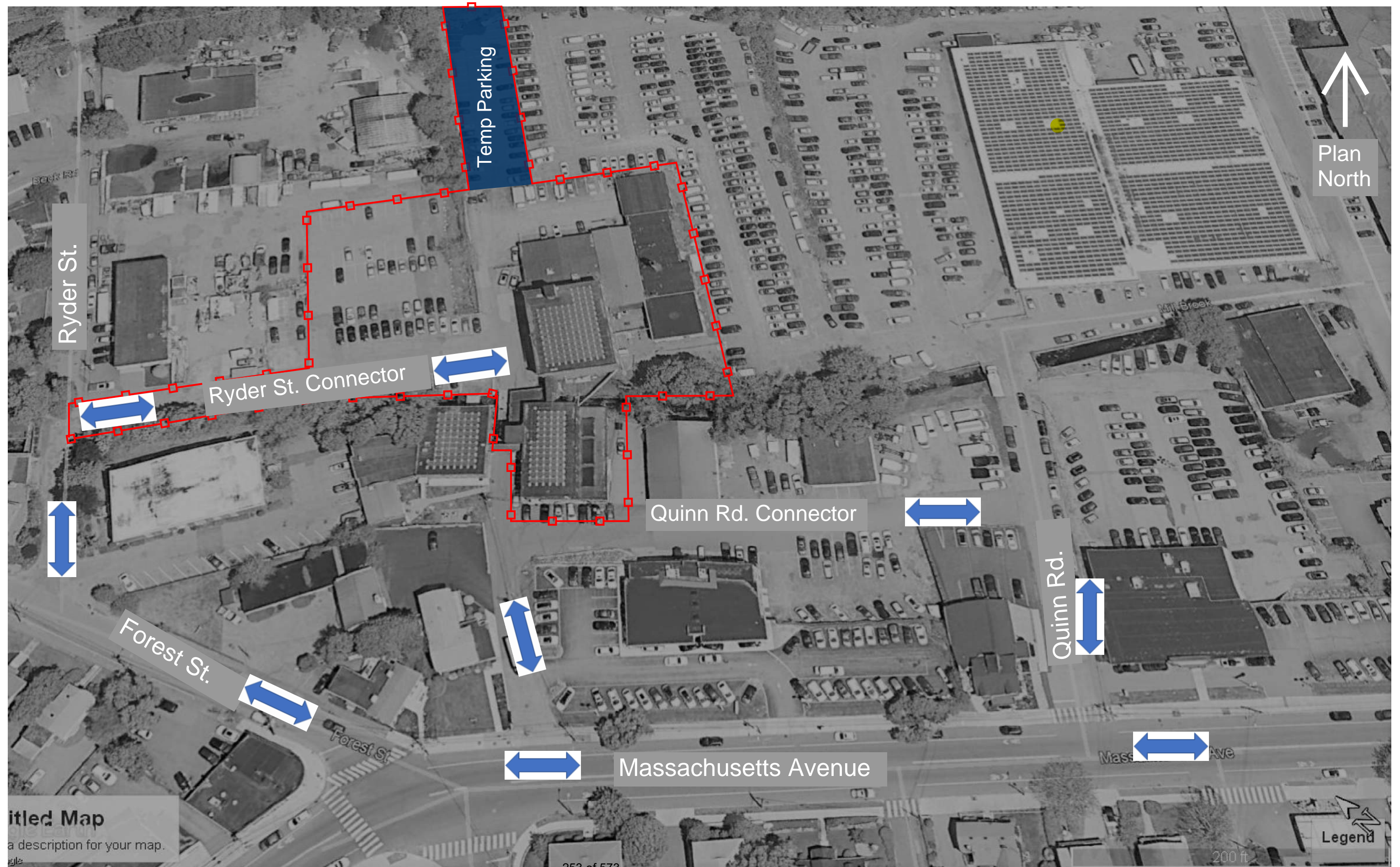
**Instructions for Submitting This Form:**

Submit your this form to your applicable EPA Regional Office. Contact information can be found at:

<https://www.epa.gov/npdes/contact-us-stormwater#regional>

**Appendix N – Site Maps (Bound Separately)**







September 27, 2021

Arlington Conservation Commission  
Arlington Town Hall  
730 Massachusetts Avenue  
Arlington, MA 02476

RE: Additional Materials  
Notice of Intent (NOI) Application  
1165R Massachusetts Ave., Arlington, MA

Dear Conservation Commission Members:

Bohler Engineering on behalf of 1165R MASS MA PROPERTY LLC, the applicant for the Notice of Intent Application for 1165R Massachusetts Avenue, submits the following additional information based on the comments received from the Commission during the September 2, 2021 meeting.

- A revised Stormwater Operation and Maintenance Plan. Note that the O&M Plan includes an Illicit Discharge Statement in accordance with Standard #10 of the MassDEP's Stormwater Management Standards.
- A Draft Stormwater Pollution Prevention Plan (SWPPP).

Additionally, the applicant intends on giving an overview of the bridge construction as well as describing how impacts to Mill Brook will be minimized. We look forward to discussing these items with the Commission during the upcoming meeting on October 7<sup>th</sup>, 2021.

In the event you require additional information, please contact us at any time. We thank the Commission for its comments as well as its time and efforts towards this project.

Very truly yours,



Randy Miron  
Senior Project Manager  
Bohler

cc: Mary O'Connor, Esq. (via email)

List of Attachments:

- Attachment 1 – Revised Stormwater Operation & Maintenance Plan
- Attachment 2 – Draft SWPPP Document
- Attachment 3 – 1165R Site Access Plan

Arlington Conservation Commission.  
Arlington Town Hall  
730 Massachusetts Ave.  
Arlington, MA 02476

August 18, 2021

**Re: Notice of Intent (NOI)**  
1165R Massachusetts Avenue - Arlington, MA

**1. Introduction**

Goddard Consulting, LLC is pleased to submit this Notice of Intent (NOI) on behalf of the applicant, 1165R Mass MA Property LLC, for a proposed 40B residential development located at 1165R Massachusetts Avenue (Parcel IDs 57-2-10.B and 57-2-15.D respectively) (Figure 1).



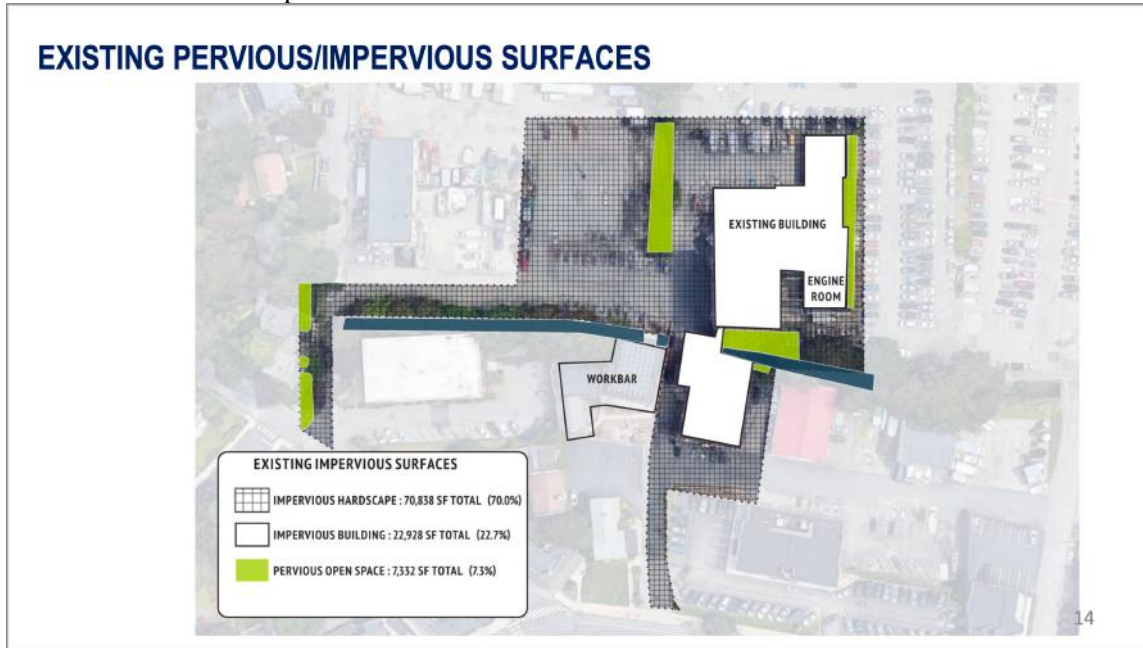
*Figure 1. - Orthophoto view of project location.*



## 2. Existing Conditions

### Infrastructure:

The property is approximately 2.3 acres of developed land located at the address 1165R Massachusetts Avenue, Arlington, Massachusetts. The property contains six existing structures, built on the footprints of historic mill buildings, and comprises 22.7% of the property. The property also contains a significant amount of pavement, covering 70.0% of the property (reference Figure 2/*Landscape Plan*). The impervious surfaces make up 92.7% of the land available on-site.



*Figure 2: Existing impervious surfaces on-site.*



*Figure 3: Southeast facing view of Mill Brook taken from within the channel. The banks and bed of the stream are heavily armored over its course of the subject parcel.*



*Figure 4: Northwest facing view of Mill Brook as it flows underneath the historic Charles Shwamb Co. mill building. Bed armoring in this stretch consists of smooth poured concrete.*

#### **Wetland Resource Areas:**

Onsite, a perennial stream (Mill Brook), flows southeast through the property in an armored channel and travels directly under the existing mill buildings (reference Figures 3-4). Mill Brook's banks, Land Under Water and Riverfront areas are the only state-jurisdictional resource areas on-site. There is no Bordering Land Subject to Flooding (BLSF) associated with Mill Brook. The armored banks of Mill Brook contain all the water, even though it's mapped as a FEMA flood zone. There is also a ditch known locally as Ryder Brook that conveys stormwater through the property. The water flows southward through approximately 80 feet of 24-inch diameter reinforced concrete pipe (RCP) that discharges through an opening in the side of the Mill Brook conduit. Ryder Brook starts in a discharge culvert, flows under Minuteman Bike way and towards the locus site. The ditch has defined banks, and the vegetation is made up of mostly non-native, invasive and 90% upland vegetation (refer to Figures 5-6). The Determination of Applicability issued by the Arlington Conservation Commission on 10/27/2020, found that Ryder Brook is not jurisdictional under the Massachusetts Wetland Protection Act, and is only jurisdictional under the local Arlington Wetlands Bylaw (reference *Determination of Applicability*).





*Figure 5: Photo of the outside of Ryder Brook's bank looking upstream taken on 7/13/2021. The vegetation is primarily Japanese knotweed.*



*Figure 6: Photo of the streambed of Ryder Brook taken on 7/13/2021. Knotweed makes up the majority of the vegetation.*



### Massachusetts Wetlands Protection Act: 310 CMR 10.00

Riverfront resource area extends 200 feet in both directions from the mean annual high water of Mill Brook. The Arlington Conservation Commission found in the Determination of Applicability issued on 10/27/2021, a significant amount of the property is exempt from riverfront standards as defined in 310 CMR 10.04 due to the “Historic Mill Complex” exemption listed in 310 CMR 10.58(6)(k).

310 CMR 10.04 : *Historic Mill Complex means the mill complexes in, but not limited to, Holyoke, Taunton, Fitchburg, Haverhill, Methuen, and Medford in existence prior to 1946 and situated landward of the waterside facade of a retaining wall, building, sluiceway, or other structure existing on August 7, 1996. An historic mill complex also means any historic mill included on the Massachusetts Register of Historic Places. An historic mill complex includes only the footprint of the area that is or was occupied by interrelated buildings (manufacturing buildings, housing, utilities, parking areas, and driveways) constructed before and existing after 1946, used for any type of manufacturing or mechanical processing and including associated structures to provide water for processing, to generate water power, or for water transportation.*

76,976 sf (1.77 acres) of the proposed site is exempt from Riverfront area standards. There is a total of 24,336sf (0.56 acres) of Riverfront Area remaining on-site (seen in Figure 7).



Figure 7. - Orthoview of Mill Brook's Riverfront Area on-site. The exempt "Historic Mill Complex" areas on site are show in green hatching. The areas with Riverfront Area are shown in red hatching.

### **Arlington Wetlands Bylaw Applicability:**

Ryder Brook contains 816 sf of land underwater which is jurisdictional under the Arlington Wetland Bylaw as:

- (1) Land under water bodies is the land beneath any creek, river, stream, pond or lake. Said land may be composed of organic muck or peat, fine sediments, rocks or bedrock.*
- (2) The physical characteristics and location of land under water bodies and waterways specified in the foregoing Subsection B(1) are critical to the protection of the interests specified in Subsection A above.*
- (3) The boundary of land under water bodies is mean low water level.*

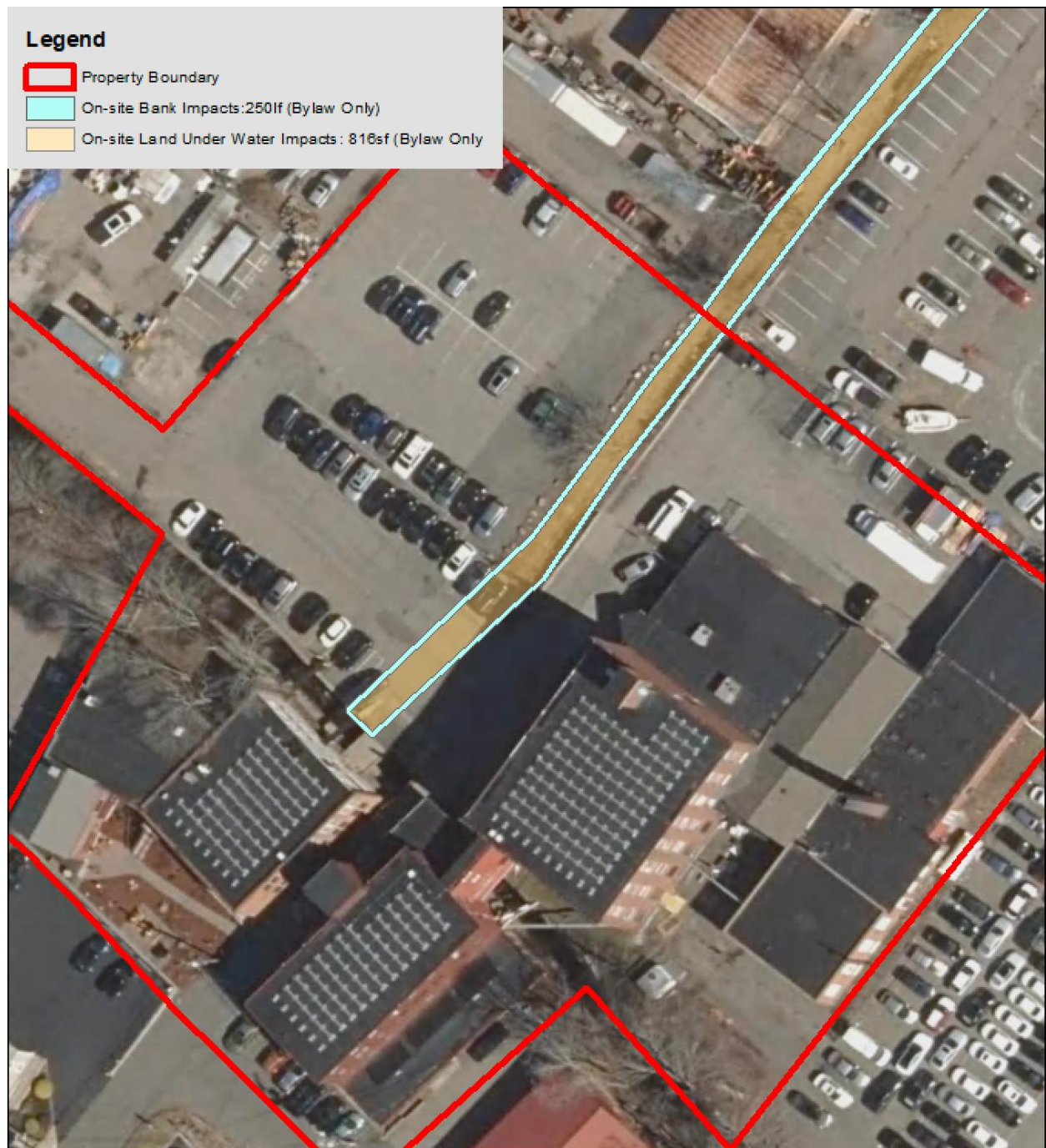
Reference Figures 8-9.

Ryder Brook also has 250 lf of bank defined under Arlington Wetland Bylaw as:

- (1) A bank is the portion of the land surface which normally abuts and confines a water body. It occurs between a water body and a vegetated bordering wetland and adjacent floodplain, or, in the absence of these, it occurs between a water body and an upland. A bank may be partially or totally vegetated, or it may be comprised of exposed soil, gravel or stone.*
- (2) The physical characteristics of a bank, as well as its location, as described in the foregoing Subsection B(1), are critical to the protection of the interests specified in Subsection A.*
- (3) The upper boundary of a bank is the first observable break in the slope or the mean annual flood level, whichever is higher in elevation. The lower boundary of a bank is the mean annual low flow level or mean low water level.*

Reference Figures 8-9.





*Figure 8. – Orthophoto view of Bank and Land Under Water Impact Area locations.*





*Figure 9. – Orthophoto view of Ryder Brook's Bank and Land Under Water Impact Area locations, with the proposed building overlaid.*



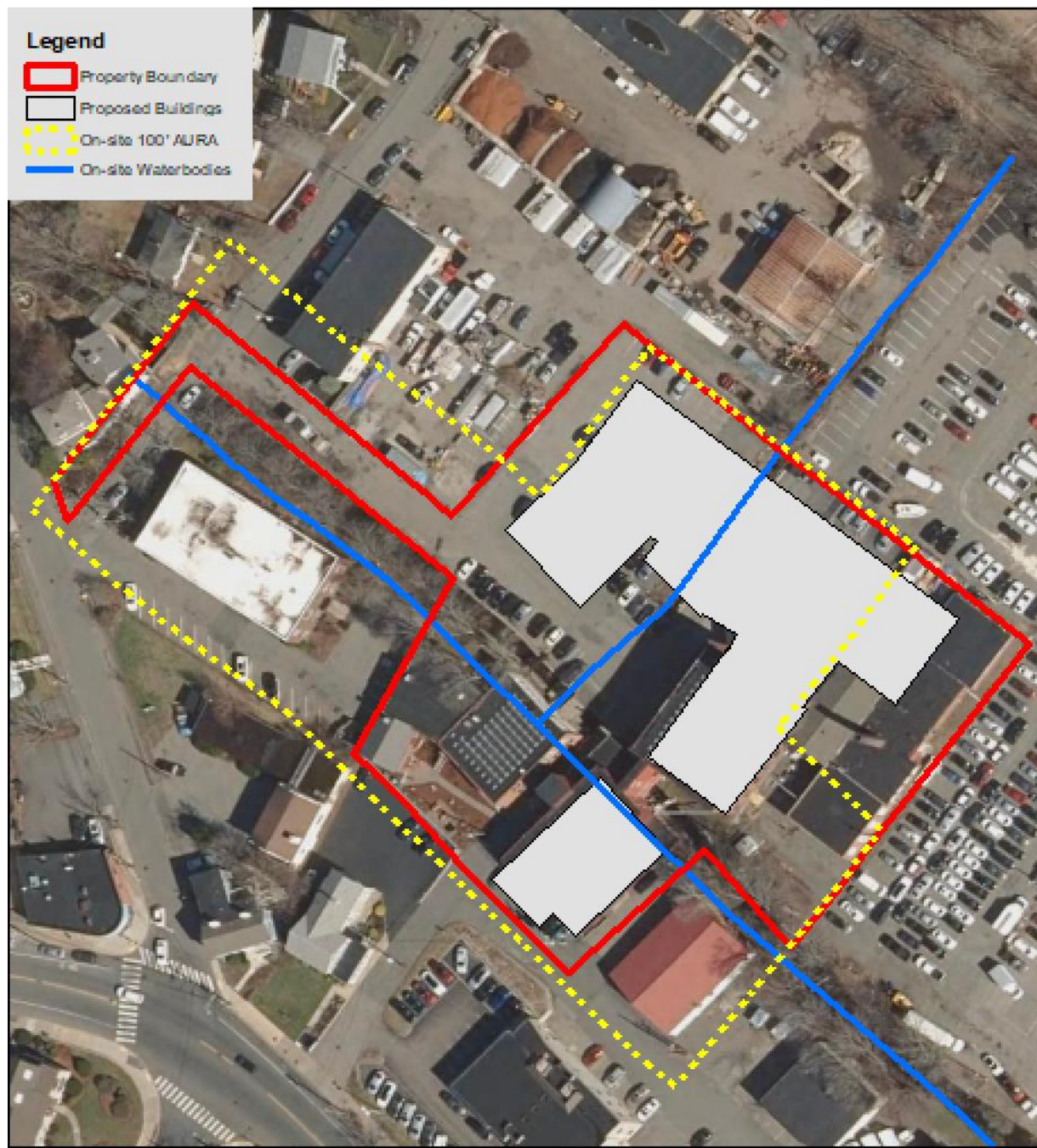
Ryder Brook is an intermittent stream because it is upstream of a resource area, Mill Brook, a perennial stream. No observable wetland areas or streams are present upgradient of Ryder Brook (Reference *Drainage Ditch Analysis*). It was also observed as dry on 8/10/2020 (reference Figure 10). Ryder Brook has an associated 100' foot Adjacent Upland Resource Area.



*Figure 10. View of dry ditch on 8/10/20.*

Ryder Brook is only jurisdictional under the local Arlington Bylaw. Both Ryder Brook and Mill Brook have 100-foot Adjacent Upland Resource Area (AURA), jurisdictional under the Arlington Wetlands Bylaw. The majority of the property is within AURA from both Mill Brook and Ryder Brook (reference Figure 11).





*Figure 11. – Orthophoto view of the jurisdictional Adjacent Upland Resource Area (AURA).*

#### Stormwater/Drainage:

Ryder Brook conveys stormwater through the property and enters the approximately 80 feet of 24-inch diameter reinforced concrete pipe (RCP) that discharges through an opening in the side of the Mill Brook conduit. There are several 4" diameter drainage pipes that transport water from a storm drain to and exits into Mill Brook.

### **3. Project Description**

#### Infrastructure:

The Applicant proposes the construction of one hundred and twenty-four (124) rental units, of which thirty-one (31) units will be reserved as affordable units within three structures at the addresses 1165R Mass Ave. The Project will provide one hundred and thirty-five (135) parking spaces, consisting of one hundred and twenty-six (126) garage parking spaces and nine (9) surface parking spaces. The Applicant has been contracted with Workbar for the use of forty (40) parking spaces on weekdays, and ten (10)

parking spaces overnight and weekend. The current pedestrian bridge over Mill Brook's width, will be expanded to accommodate motor vehicles and to access the proposed building.

#### Wetlands:

The on-site resource areas are subject to different performance standards under the State and the local bylaw. State jurisdictional resources include Mill Brook's Banks, Riverfront Area and Land Under Water. The banks and land under water of Ryder Brook are only jurisdictional under the local Arlington Wetlands Bylaw. Both Mill Brook and Ryder Brook have a 100-ft Adjacent Upland Resource Area under the Arlington Wetlands Bylaw. The proposed project was granted waivers from section 20C, Restriction on work on banks of Ryder Brook, and section 22, performance regulations for land under water bodies and restriction on work on land under water bodies within 20'ft of such land, of the Arlington Wetlands bylaw.

A significant amount of the property is exempt from riverfront standards under 310 CMR and Arlington's local bylaw due to the "Historic Mill Complex" exemption. Under the Wetland Protection Act's jurisdiction, 24,336 sf of Riverfront Area will be impacted. The proposed 40B project requires the relocation of the onsite portion of the drainage ditch and culvert to a location north and west of proposed building. As a replacement, approximately 100 feet of new daylighted drainage ditch will be constructed leading to a headwall. The relocated stream will start at the original location and be redirected to flow left around the proposed building. The proposed planting plan for the relocated Ryder Brook include all native plants, including red maple, silky dogwood, speckled alder and coir fascine for increased natural erosion control and bank stabilization (Reference *Stream Replication Plan*). Siltation Barriers will encompass the limit of work and the wetland resources on-site.

The project design includes detailed stream relocation details, mitigation plantings and wildlife habitat enhancement features.

Relocation of the stream will provide greatly enhanced habitat for wildlife, by providing:

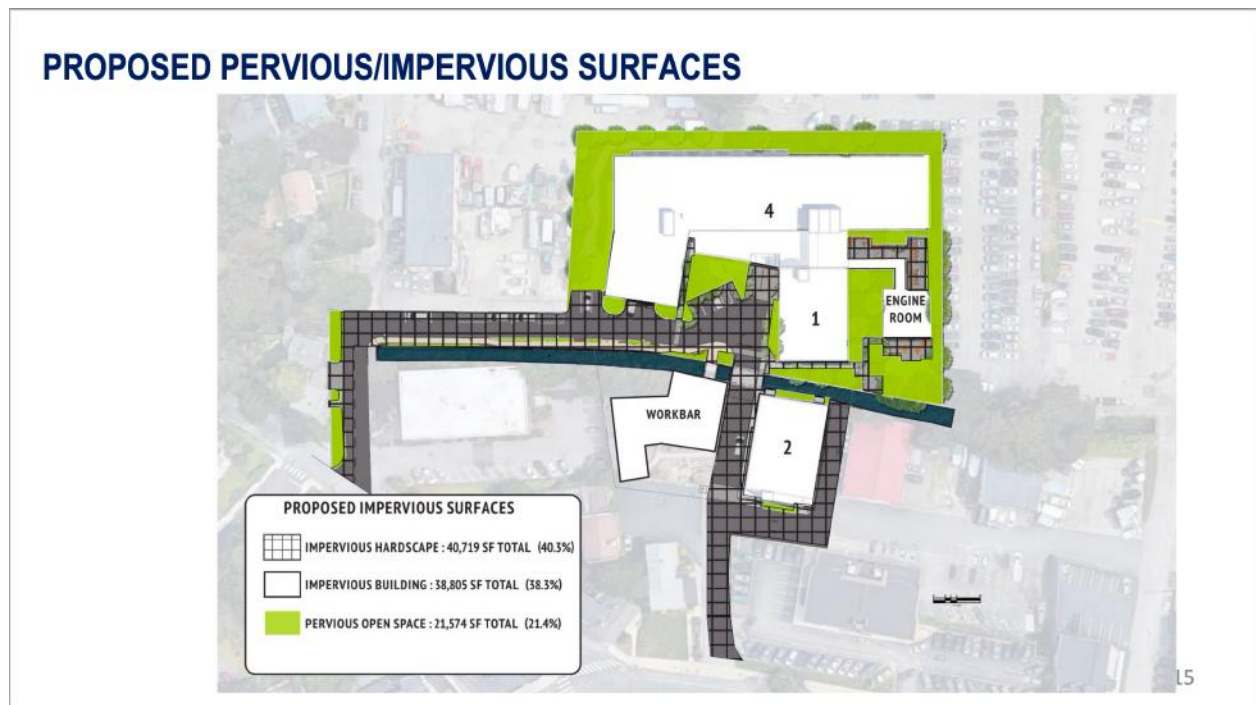
- a) a lengthened, curved stream channel which will reduce stream velocity during storm events as opposed to the straight channelized flow currently present.
- b) a variety of depths and natural cover objects, which will increase the dissolved oxygen in the water and provide sheltering habitats for small fish and invertebrates that use the stream; and
- c) banks vegetated with native tree and shrub species which will provide foraging and sheltering habitat for a variety of birds and mammals, as opposed to the current stream banks which are overgrown with non-native invasive species that have little habitat value for wildlife.

The project will require the alteration of 250 lf of Bank; 250 sf of Land Under Water in order to divert the flow of the existing drainage ditch and intermittent stream (refer to Table 1). Waivers were requested through the Arlington Conservation Commission for work within Ryder Brook on bank and Land Under Water as long as a deed restriction is recorded for the property to protect the bank and Land Under the relocated Ryder Brook.

The amount of pervious surfaces on-site will be increased by approximately 7,300sf (reference Figure 12.)

	Existing	Proposed Increase	Total
Pervious Surfaces	4,135sf	7,315sf	11,450sf
Pervious Surfaces within Riverfront Area	3,416sf	5,342sf	8,758sf
Ryder Brook Bank	250lf	113lf	363lf
Ryder Brook Land Under Water	816sf	1064sf	1880sf

[Table 1. – Total Alteration Summary](#)



*Figure 12: Proposed increase of pervious surfaces.*

#### Stormwater:

The relocated Ryder Brook will accommodate for increased stormwater management. From the headwall, approximately 315 feet of new 30-inch diameter plastic pipe will convey the stormwater to the same opening in the Mill Brook conduit as where it currently discharges. The relocation will result in enhancing the resource area, habitat value, pollution prevention, flood control, and function to the site. The proposed relocation will continue to provide the same flood control and storm damage prevention functions as the existing condition except that the larger new pipe will almost double the water carrying capacity of the existing pipe, thereby reducing the potential for upstream flooding and providing an improvement over the existing condition. The upstream portion of the related stream will be lined with 12"-18" average diameter broken stone. Downstream the channel will be lined with 3" diameter Riverstone. The proposed building will have downspouts and associated leaders to transport stormwater, to the drainage pipes. These drains connect to the drainage pipe of Ryder Brook and convey stormwater into Mill Brook.



#### **4. Compliance with WPA Performance Standards**

##### **310 CMR 10.58 (5) Redevelopment Within Previously Developed Riverfront Areas; Restoration and Mitigation.**

*Notwithstanding the provisions of 310 CMR 10.58(4)(c) and (d), the issuing authority may allow work to redevelop a previously developed riverfront area, provided the proposed work improves existing conditions. Redevelopment means replacement, rehabilitation or expansion of existing structures, improvement of existing roads, or reuse of degraded or previously developed areas. A previously developed riverfront area contains areas degraded prior to August 7, 1996 by impervious surfaces from existing structures or pavement, absence of topsoil, junkyards, or abandoned dumping grounds. Work to redevelop previously developed riverfront areas shall conform to the following criteria:*

- (a) At a minimum, proposed work shall result in an improvement over existing conditions of the capacity of the riverfront area to protect the interests identified in M.G.L. c. 131 § 40. When a lot is previously developed but no portion of the riverfront area is degraded, the requirements of 310 CMR 10.58(4) shall be met.*

**The proposed work will result in an increase of 5,342 sf pervious surfaces on-site. This increase will result of a total of 8,758 sf pervious surfaces within Riverfront. Therefore, the work will be an improvement over existing conditions.**

- (b) Stormwater management is provided according to standards established by the Department.*

**The project has been designed in compliance with the Massachusetts Wetland Protection Act's stormwater management standards. See *Drainage Report for 1165R Mass MAProperty LLC*.**

- (c) Within 200 foot riverfront areas, proposed work shall not be located closer to the river than existing conditions or 100 feet, whichever is less, or not closer than existing conditions within 25 foot riverfront areas, except in accordance with 310 CMR 10.58(5) (f) or (g).*

**The proposed work will not be located closer than existing conditions on-site. The site is already disturbed up to the MAHW of Mill Brook.**

- (d) Proposed work, including expansion of existing structures, shall be located outside the riverfront area or toward the riverfront area boundary and away from the river, except in accordance with 310 CMR 10.58(5)(f) or (g).*

**Due to site constraints, the project could not be relocated outside of the riverfront area. Work has been located as far from the river as possible. The proposed work will be towards the Riverfront Area boundary. The Replication Plan for Ryder Brook will be in accordance with 310 CMR 10.58(5)(f) or (g).**

- (e) The area of proposed work shall not exceed the amount of degraded area, provided that the proposed work may alter up to 10% if the degraded area is less than 10% of the riverfront area, except in accordance with 310 CMR 10.58(5)(f) or (g).*

**On-site, the proposed work is within degraded area, and will not increase the number of degraded areas on-site. The proposed work will result in an increase of 5,342 sf pervious surfaces on-site. This increase will result of a total of 8,758 sf pervious surfaces within Riverfront Area, decreasing degraded areas.**

- (f) When an applicant proposes restoration on-site of degraded riverfront area, alteration may be allowed notwithstanding the criteria of 310 CMR 10.58(5)(c), (d), and (e) at a ratio in square feet of at least 1:1 of restored area to area of alteration not conforming to the criteria. Areas immediately along the river shall be selected for restoration. Alteration not conforming to the criteria shall begin at the riverfront area boundary. Restoration shall include:*

1. removal of all debris, but retaining any trees or other mature vegetation;
2. grading to a topography which reduces runoff and increases infiltration;
3. coverage by topsoil at a depth consistent with natural conditions at the site; and
4. seeding and planting with an erosion control seed mixture, followed by plantings of herbaceous and woody species appropriate to the site;

**The proposed project will include a restoration plan for Ryder Brook, a non-jurisdictional drainage ditch. The restoration plan includes grading to a topography which reduces runoff and increases infiltration, coverage by topsoil at a depth consistent with natural conditions at the site and seeding and planting with an erosion control seed mixture, followed by plantings of herbaceous and woody species appropriate to the site. It will also increase Land Underwater, and Bank of Ryder Brook (reference *Stream Replication Plan*) which are local resource areas only.**

*(g) When an applicant proposes mitigation either on-site or in the riverfront area within the same general area of the river basin, alteration may be allowed notwithstanding the criteria of 310 CMR 10.58(5)(c), (d), or (e) at a ratio in square feet of at least 2:1 of mitigation area to area of alteration not conforming to the criteria or an equivalent level of environmental protection where square footage is not a relevant measure. Alteration not conforming to the criteria shall begin at the riverfront area boundary. Mitigation may include off-site restoration of riverfront areas, conservation restrictions under M.G.L. c. 184, §§ 31 through 33 to preserve undisturbed riverfront areas that could be otherwise altered under 310 CMR 10.00, the purchase of development rights within the riverfront area, the restoration of bordering vegetated wetland, projects to remedy an existing adverse impact on the interests identified in M.G.L. c. 131, § 40 for which the applicant is not legally responsible, or similar activities undertaken voluntarily by the applicant which will support a determination by the issuing authority of no significant adverse impact. Preference shall be given to potential mitigation projects, if any, identified in a River Basin Plan approved by the Secretary of the Executive Office of Energy and Environmental Affairs.*

**On-site mitigation to Riverfront area includes the replication of Ryder Brook. This includes the increase of pervious surfaces within Riverfront, planting of native species, and increasing stormwater management on-site (reference *Stream Replication Plan*).**

*(h) The issuing authority shall include a continuing condition in the Certificate of Compliance for projects under 310 CMR 10.58(5)(f) or (g) prohibiting further alteration within the restoration or mitigation area, except as may be required to maintain the area in its restored or mitigated condition. Prior to requesting the issuance of the Certificate of Compliance, the applicant shall demonstrate the restoration or mitigation has been successfully completed for at least two growing seasons.*

**There will be no further alteration to the Ryder Brook replication area except for maintenance purposes.**

In the Riverfront Regulations, 310 CMR 10.58(6)(k) states:

*(k) Activities with an Historic Mill Complex. ”*

Activities within the “footprint of the area that is occupied by interrelated buildings” should be exempted from requirements of the Riverfront Area.

## 5. Compliance with Arlington Regulations for Wetland Protection

### Section 20 -Banks

*C. No activity, other than the maintenance of an already existing structure or Resource Area Enhancement, shall be allowed which will result in the building within or upon, removing, filling, or altering of a bank.*

**A Waiver was requested. The Arlington Conservation Commission agreed with this waiver, as long as a deed restriction is recorded for the property to protect the bank of the relocated Ryder Brook. This waiver is justified because the proposed relocation of Ryder Brook will provided a lengthened, curved stream channel which will reduce stream velocity during storm events as opposed to the straight channelized flow currently present, a variety of depths and natural cover objects, which will increase the dissolved oxygen in the water and provide sheltering habitats for small fish and invertebrates that use the stream; and banks vegetated with native tree and shrub species which will provide foraging and sheltering habitat for a variety of birds and mammals, as opposed to the current stream banks which are overgrown with non-native invasive species that have little habitat value for wildlife.**

### Section 22 -Land Under Water Bodies (Under Any Stream, Pond or Lake)

**A Waiver was requested. The Arlington Conservation Commission agreed with this waiver, as long as a deed restriction is recorded for the property to protect the Land Under the relocated Ryder Brook. This waiver is justified because the proposed relocation of Ryder Brook will provided a lengthened, curved stream channel which will reduce stream velocity during storm events as opposed to the straight channelized flow currently present, a variety of depths and natural cover objects, which will increase the dissolved oxygen in the water and provide sheltering habitats for small fish and invertebrates that use the stream; and banks vegetated with native tree and shrub species which will provide foraging and sheltering habitat for a variety of birds and mammals, as opposed to the current stream banks which are overgrown with non-native invasive species that have little habitat value for wildlife**

### Section 24 -Vegetation Removal and Replacement

*A. Findings: Vegetation in a resource area protected by the Bylaw is significant for wildlife, wildlife habitat and water quality. In addition, vegetation controls flood and storm damage. Vegetation provides food, shelter, socialization, shade, water detention, sediment control, bank stabilization, biodiversity, pollutant uptake, evapotranspiration of water, aesthetics, and atmospheric purification. In addition, plant size ordinarily is proportional to habitat value; i.e., large wooded trees are of greatest habitat value, followed by bushes, and then ground cover. Thus, an adequate quantity of vegetation must be maintained so that resource areas protected by the Bylaw can provide the resource area values protected by the Bylaw, including, but not limited to: flood control, storm damage prevention, pollution abatement, wildlife protection, aesthetic value, and recreation.*

**The proposed planting plan for the relocated Ryder Brook include all native plants, including red maple, silky dogwood, speckled alder and coir fascine for increased natural erosion control and bank stabilization (Reference *Stream Replication Plan*). The proposed replication area will enhance the current conditions within Ryder Brook**

*B. No vegetation in a resource area protected by the Bylaw shall be damaged, extensively pruned, or removed without written approval by the Commission and in-kind replacement. Extensive pruning is defined as removal of 20% or more of limbs or growth. For extensive pruning or removal of vegetation because of an Imminent Risk to Public Health and Safety, in-kind replacement shall be to*

*the extent practicable as determined by the Commission (See Section 9 of these Regulations for Emergency Certification).*

**The vegetation being removed from the resource area is composed of mostly non-native, invasive and 90% upland vegetation. The stream relocation area will restore native vegetation (reference *Stream Replication Plan*).**

- C. *"In-kind replacement" shall refer to a combination of species type and surface area as defined by the area delineated by the drip line of the affected plant(s). "In-kind" means the same type and quantity of plant species that was removed, extensively pruned, or damaged, unless compelling evidence is presented in writing that explains why the resource area values under the Bylaw are promoted through an alternative proposal (such as biomass equivalent), and planted within the same resource area or another resource area located in close proximity on the project site. Notwithstanding the foregoing, only non-invasive plant species shall be planted as replacements.*

**The proposed stream replication area will only consist of native vegetation including perennials, shrubs and trees (reference *Stream Replication Plan*).**

- D. *The criteria for removal of vegetation follow. In all instances, the reasons for removal must be expressed in writing before the removal. In administering this standard, the Commission shall consider species selection, location, and timing of the plantings.*

*(1) Health of Vegetation*

*Vegetation in a state of irreversible decay, or undesirable vegetation present as a result of unintentional lack of maintenance may be offered as a reason(s) for removal.*

*(2) Bank or Slope Stabilization*

*A bank or slope stabilization plan requires the restructuring of soils occupied by vegetation.*

*(3) Invasive Species*

*The vegetation being removed is an aggressive, invasive, or non-native species as confirmed by wetlands scientist or as listed on a wetlands plant list acceptable to the Commission, such as, but not limited to that published by the United States Fish and Wildlife Service.*

*(4) Ecological Restoration*

*The vegetation is being removed as part of a project whose primary purpose is to restore or otherwise improve the natural capacity of a resource area to protect and sustain the interests of the Bylaw.*

*(5) Imminent Risk to Public Health and Safety*

*The vegetation is an imminent risk to public health or safety or property as confirmed in writing and submitted to the Commission by the Arlington Tree Warden, Fire Department Representative, Public Safety Officer, or a certified arborist.*

**The project as proposed is in compliance with Section 24D because of the removal of invasive plants including the Japanese knotweed and the planting of native vegetation within the stream replication area. The replication area will enhance the existing conditions of Ryder Brook.**

- F. *Application for Removal. For all projects, the application for vegetation removal shall be submitted as part of the application for permit or Notice of Intent as described by the Bylaw and these regulations.*

**Reference *Stream Replication Plan*.**

## Section 25 C-F.

*C. Alternatives to Work in Adjacent Upland Resource Area. A growing body of research evidence suggests that even "no disturbance" areas reaching beyond 25 feet from wetlands, streams, rivers, and other water bodies may be insufficient to protect many important characteristics and values. Problems of nutrient runoff, water pollution, siltation, erosion, vegetation change, and habitat destruction are greatly exacerbated by activities within 100 feet of wetlands. Thus, work and activity in the Adjacent Upland Resource Area shall be avoided and discouraged and reasonable alternatives pursued.*

**An alternatives analysis was prepared for the applicant by Bohler Engineering and submitted to the Arlington Conservation Commission, in compliance with Section 25C of the Arlington Regulations for Wetlands Protection.**

*D. No activities or work, other than passive passage and resource area enhancement, are permitted within the first 25 feet of the Adjacent Upland Resource Area (measured horizontally from a resource area specified in Section 2, A(1) through (4)). Except as part of Resource Area Enhancement or an Ecological Restoration Project, no vegetation may be disturbed, and leaf litter and natural debris shall remain in place. This No-Disturbance area shall at a minimum Arlington Regulations for Wetlands Protection FINAL – March 1, 2018 39 contain the same amount of area of undisturbed and natural vegetation from its pre-project state. A previously disturbed or previously developed 25-foot area shall be restored to a naturally vegetated state to the greatest extent practicable.*

**The Project is in compliance with Section 25D of the Arlington Regulations for Wetlands Protection because the project proposes mitigation to increase the pervious area within the 0'-25' AURA, which is considered an enhancement of the resource area.**

*E. No new structure(s) shall be placed in the first 50 feet of the Adjacent Upland Resource Area (measured horizontally from a resource area specified in Section 2, A(1) through (4)), unless approved by the Commission in evaluation of existing total impervious surface (see Section F. below) within the 50-foot area compared to the proposed impervious surface, and other considerations for the improvement of the resource area and climate change resiliency.*

**The Project is in compliance with Section 25E of the Arlington Regulations for Wetlands Protection because the plan will result in a decrease in total impervious surface within the first 50 feet of the AURA, which is considered an enhancement of the resource area.**

### *F. Impervious surface.*

*(1) The total area of impervious surface within the Adjacent Upland Resource Area shall not increase over existing total area unless mitigation is provided and there is no impact on Resource Area values.*

*(2) Impervious surfaces shall not intrude farther into the Adjacent Upland Resource Area than pre-project conditions unless the Commission in its sole discretion determines that the total area of impervious surface is significantly decreased or other mitigation is provided that serves to protect the resource area values. Impervious surface shall be kept as close as possible to the outer (upland) boundary of the Adjacent Upland Resource Area.*

**The Project is in compliance with Section 25F (1 and 2) of the Arlington Regulations for Wetlands Protection because the Project results in a decrease in total impervious surface within the AURA and there will be an enhancement of the Resource Area values. In addition, the Project significantly decreases the total impervious area onsite, and plantings are proposed throughout the development.**

The Project will provide vegetative mitigation and resource area improvements, including improvements to habitat value, pollution prevention, storm damage prevention, and flood control along the relocated Ryder Brook and Mill Brook, all in compliance with Section 4(b) of the Arlington Regulations for Wetlands Protection as shown on the Approved Plans.

If there are any questions concerning this submission, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read 'Scott Goddard', written in a cursive style.

Scott Goddard, Principal & PWS  
Goddard Consulting, LLC

Arlington Conservation Commission.  
Arlington Town Hall  
730 Massachusetts Ave.  
Arlington, MA 02476

August 18, 2021

**Re: Notice of Intent (NOI)**

1165R Mass Ave. - Arlington, MA

Dear Arlington Conservation Commission,

Goddard Consulting, LLC is pleased to submit this Notice of Intent (NOI) on behalf of the applicant 1165R Mass MA Property LLC, for the properties located at 1165R Massachusetts Ave. (Parcel IDs 57-2-10.B and 57-2-15.D respectively). This NOI is being filed under the MA Wetlands Protection Act (WPA) and the Town of Arlington Wetland Bylaw for a 40B housing development.

Nine copies of the NOI application and nine full size copies of site plans are enclosed. The titles of all the documents enclosed are as follows:

- NOI (WPA Form 3) Application Form
- NOI Wetland Fee Transmittal Form,
- Copy of Checks
- Certified Abutters List, Notification to Abutters, Affidavit of Service
- *Orthophoto of the Locus Site*, Goddard Consulting, LLC 7/6/2021
- *USGS of the Locus Site*, Goddard Consulting, LLC 7/6/2021
- *Stream Replication Plan*, Goddard Consulting, LLC, 8/11/2021
- *Drainage Ditch Analysis*, Goddard Consulting LLC 8/10/2021
- *Determination of Applicability*, Massachusetts Department of Environmental Protection, 10/27/2020
- *Draining Report for 1165R Mass MA Property LLC*, Bohler, 5/5/2021
- *Appendix to Wetland/Resource Area Regulatory Peer Review Letter*, Bohler, 3/8/2021
- *List of Waivers*, Arlington Conservation Commission, 7/23/2021
- *Zoning Board of Appeals: Decision on Application for Comprehensive Permit G.L. c. 40B, §§ 20-23*, 7/23/2021
- *Proposed Site Plan Documents*, Bohler, 7/23/2021

Please feel free to contact me if you have any questions.  
Cordially,

A handwritten signature in black ink, appearing to read "Scott Goddard", written in a cursive style.

Scott Goddard, PWS  
Principal and Wetland Specialist

cc: MassDEP-NERO, 205 Lowell St, Wilmington, MA 01887  
1165R Mass MA Property, LLC





**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands

# WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Arlington  
City/Town

**Important:**

When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Note:  
Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

## A. General Information

1. Project Location (**Note:** electronic filers will click on button to locate project site):

1165R Massachusetts Avenue

a. Street Address

Arlington

b. City/Town

02476

c. Zip Code

Latitude and Longitude:

42.252277

d. Latitude

71.102529

e. Longitude

57-2

f. Assessors Map/Plat Number

10.B, 15.D,

g. Parcel /Lot Number

2. Applicant:

Daniel

a. First Name

St. Clair

b. Last Name

1165R Mass MA Property LLC

c. Organization

One Post Office Square, 26th Floor

d. Street Address

Boston

e. City/Town

MA

f. State

02109

g. Zip Code

(617) 531-4244

h. Phone Number

i. Fax Number

Daniel.StClair@ssinvests.com

j. Email Address

3. Property owner (required if different from applicant): ☐ Check if more than one owner

a. First Name

b. Last Name

Applicant is Contract Purchaser

c. Organization

d. Street Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email address

4. Representative (if any):

Scott

a. First Name

Goddard

b. Last Name

Goddard Consulting, LLC

c. Company

291 Main Street Suite #8

d. Street Address

Northborough

e. City/Town

MA

f. State

01532

g. Zip Code

(508)-393-3784

h. Phone Number

i. Fax Number

scott@goddardconsultngllc.com

j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

\$4,600

a. Total Fee Paid

2,287.50

b. State Fee Paid

\$2,312.50 + \$10,560

c. City/Town Fee Paid



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands

**WPA Form 3 – Notice of Intent**

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**A. General Information (continued)**

6. General Project Description:

The Applicant proposes the construction of one hundred and twenty-four (124) rental units, of which thirty-one (31) units will be reserved as affordable units determined by the Subsidizing Agency at the addressed 1165R Massachusetts Avenue.

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- |                                                                       |                                                           |
|-----------------------------------------------------------------------|-----------------------------------------------------------|
| 1. <input type="checkbox"/> Single Family Home                        | 2. <input type="checkbox"/> Residential Subdivision       |
| 3. <input checked="" type="checkbox"/> Commercial/Industrial          | 4. <input type="checkbox"/> Dock/Pier                     |
| 5. <input type="checkbox"/> Utilities                                 | 6. <input type="checkbox"/> Coastal engineering Structure |
| 7. <input type="checkbox"/> Agriculture (e.g., cranberries, forestry) | 8. <input type="checkbox"/> Transportation                |
| 9. <input type="checkbox"/> Other                                     |                                                           |

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

1. ☐ Yes ☒ No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

Middlesex

a. County

12342, 12785, 72212

c. Book

b. Certificate # (if registered land)

661, 422, 544

d. Page Number

**B. Buffer Zone & Resource Area Impacts (temporary & permanent)**

- ☐ Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- ☒ Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands

**WPA Form 3 – Notice of Intent**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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**B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)**

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input checked="" type="checkbox"/> Bank	250 (Bylaw Only) 1. linear feet	350 2. linear feet
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet	2. square feet
c. <input checked="" type="checkbox"/> Land Under Waterbodies and Waterways	816 (Bylaw Only) 1. square feet 3. cubic yards dredged	1880 2. square feet

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet 3. cubic feet of flood storage lost	2. square feet 4. cubic feet replaced
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet 2. cubic feet of flood storage lost	3. cubic feet replaced
f. <input checked="" type="checkbox"/> Riverfront Area	Mill Brook 1. Name of Waterway (if available) - <b>specify coastal or inland</b>	

2. Width of Riverfront Area (check one):

- ☐ 25 ft. - Designated Densely Developed Areas only
- ☐ 100 ft. - New agricultural projects only
- ☒ 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: 24,320  
square feet

4. Proposed alteration of the Riverfront Area:

24,320 24,320  
a. total square feet b. square feet within 100 ft. c. square feet between 100 ft. and 200 ft.

5. Has an alternatives analysis been done and is it attached to this NOI? ☐ Yes ☒ No

6. Was the lot where the activity is proposed created prior to August 1, 1996? ☒ Yes ☐ No

3. ☐ Coastal Resource Areas: (See 310 CMR 10.25-10.35)

**Note:** for coastal riverfront areas, please complete **Section B.2.f.** above.



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands

**WPA Form 3 – Notice of Intent**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Arlington

City/Town

**B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)**

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users:  
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	1. square feet _____ 2. cubic yards dredged _____	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	1. square feet _____	2. cubic yards beach nourishment _____
e. <input type="checkbox"/> Coastal Dunes	1. square feet _____	2. cubic yards dune nourishment _____
	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input type="checkbox"/> Coastal Banks	1. linear feet _____	
g. <input type="checkbox"/> Rocky Intertidal Shores	1. square feet _____	
h. <input type="checkbox"/> Salt Marshes	1. square feet _____	2. sq ft restoration, rehab., creation _____
i. <input type="checkbox"/> Land Under Salt Ponds	1. square feet _____	
	2. cubic yards dredged _____	
j. <input type="checkbox"/> Land Containing Shellfish	1. square feet _____	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	
	1. cubic yards dredged _____	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	1. square feet _____	
4. <input type="checkbox"/> Restoration/Enhancement		
If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.		
a. square feet of BVW _____	b. square feet of Salt Marsh _____	
5. <input checked="" type="checkbox"/> Project Involves Stream Crossings		
a. number of new stream crossings _____	b. number of replacement stream crossings _____	



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands

**WPA Form 3 – Notice of Intent**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Arlington

City/Town

**C. Other Applicable Standards and Requirements**

- ☐ This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Limited Project Checklists – Required Actions (310 CMR 10.11).

**Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review**

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to [http://maps.massgis.state.ma.us/PRI\\_EST\\_HAB/viewer.htm](http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm).

a. ☐ Yes ☒ No

**If yes, include proof of mailing or hand delivery of NOI to:**

**Natural Heritage and Endangered Species Program**  
**Division of Fisheries and Wildlife**  
**1 Rabbit Hill Road**  
**Westborough, MA 01581**

2021

b. Date of map

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); *OR* complete Section C.2.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

- c. Submit Supplemental Information for Endangered Species Review\*

1. ☐ Percentage/acreage of property to be altered:

(a) within wetland Resource Area

percentage/acreage

(b) outside Resource Area

percentage/acreage

2. ☐ Assessor's Map or right-of-way plan of site

2. ☐ Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work \*\*

(a) ☐ Project description (including description of impacts outside of wetland resource area & buffer zone)

(b) ☐ Photographs representative of the site

\* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <https://www.mass.gov/mas-endangered-species-act-mesa-regulatory-review>).

Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

\*\* MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands

**WPA Form 3 – Notice of Intent**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Arlington

City/Town

**C. Other Applicable Standards and Requirements (cont'd)**

- (c) ☐ MESA filing fee (fee information available at <https://www.mass.gov/how-to/how-to-file-for-a-mesa-project-review>).

Make check payable to "Commonwealth of Massachusetts - NHESP" and **mail to NHESP** at above address

*Projects altering 10 or more acres of land, also submit:*

- (d) ☐ Vegetation cover type map of site

- (e) ☐ Project plans showing Priority & Estimated Habitat boundaries

- (f) OR Check One of the Following

1. ☐ Project is exempt from MESA review.  
Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, <https://www.mass.gov/service-details/exemptions-from-review-for-projectsactivities-in-priority-habitat>; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)

2. ☐ Separate MESA review ongoing. a. NHESP Tracking # \_\_\_\_\_ b. Date submitted to NHESP \_\_\_\_\_

3. ☐ Separate MESA review completed.  
Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.

3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?

- a. ☒ Not applicable – project is in inland resource area only b. ☐ Yes ☐ No

If yes, include proof of mailing, hand delivery, or electronic delivery of NOI to either:

South Shore - Cohasset to Rhode Island border, and  
the Cape & Islands:

North Shore - Hull to New Hampshire border:

Division of Marine Fisheries -  
Southeast Marine Fisheries Station  
Attn: Environmental Reviewer  
836 South Rodney French Blvd.  
New Bedford, MA 02744  
Email: [dmf.envreview-south@mass.gov](mailto:dmf.envreview-south@mass.gov)

Division of Marine Fisheries -  
North Shore Office  
Attn: Environmental Reviewer  
30 Emerson Avenue  
Gloucester, MA 01930  
Email: [dmf.envreview-north@mass.gov](mailto:dmf.envreview-north@mass.gov)

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional Office.

- c. ☐ Is this an aquaculture project? d. ☐ Yes ☐ No

If yes, include a copy of the Division of Marine Fisheries Certification Letter (M.G.L. c. 130, § 57).



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands

**WPA Form 3 – Notice of Intent**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Arlington

City/Town

**C. Other Applicable Standards and Requirements (cont'd)**

**Online Users:**  
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?
- a. ☐ Yes ☒ No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.
- b. ACEC
5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?
- a. ☐ Yes ☒ No
6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?
- a. ☐ Yes ☒ No
7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?
- a. ☒ Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:
1. ☐ Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
  2. ☒ A portion of the site constitutes redevelopment
  3. ☐ Proprietary BMPs are included in the Stormwater Management System.
- b. ☐ No. Check why the project is exempt:
1. ☐ Single-family house
  2. ☐ Emergency road repair
  3. ☐ Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

**D. Additional Information**

- ☐ This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

**Online Users:** Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1. ☒ USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2. ☒ Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands

**WPA Form 3 – Notice of Intent**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Arlington

City/Town

**D. Additional Information (cont'd)**

3. ☒ Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.

4. ☒ List the titles and dates for all plans and other materials submitted with this NOI.

Proposed Site Plan Documents

a. Plan Title

Bohler

J.G Swerling

b. Prepared By

c. Signed and Stamped by

8/19/2021

1" = 20'

d. Final Revision Date

e. Scale

Land Plans

03/08/2021

f. Additional Plan or Document Title

g. Date

5. ☐ If there is more than one property owner, please attach a list of these property owners not listed on this form.
6. ☐ Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.
7. ☐ Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.
8. ☒ Attach NOI Wetland Fee Transmittal Form
9. ☐ Attach Stormwater Report, if needed.

**E. Fees**

1. ☐ Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

2241866

8/18/2021

2. Municipal Check Number

3. Check date

2241865

8/18/2021

4. State Check Number

5. Check date

1165R Mass MA Ventures LLC

6. Payor name on check: First Name

7. Payor name on check: Last Name





**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**

Provided by MassDEP:

**WPA Form 3 – Notice of Intent**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

MassDEP File Number

Document Transaction Number

Arlington

City/Town

**F. Signatures and Submittal Requirements**

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

  
 1. Signature of Applicant (Daniel St. Clair, Owner's Representative- 1165R Mass MA Property LLC)

8/18/2021

2. Date

3. Signature of Property Owner (if different)

4. Date

  
 5. Signature of Representative (if any) (Scott Gouldard- Goddard Consulting, LLC)

8/18/2021

6. Date

**For Conservation Commission:**

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

**For MassDEP:**

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a copy of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

**Other:**

If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**NOI Wetland Fee Transmittal Form**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**Important:** When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



## A. Applicant Information

### 1. Location of Project:

1165R Massachusetts Avenue

a. Street Address

Arlington

b. City/Town

2241865

c. Check number

\$2,287.50

d. Fee amount

### 2. Applicant Mailing Address:

Daniel

a. First Name

St Clair

b. Last Name

1165R Mass MA Property, LLC

c. Organization

One Post Office Square, 26th Floor

d. Mailing Address

Boston

e. City/Town

MA

f. State

01532

g. Zip Code

(617) 531-4244

h. Phone Number

i. Fax Number

Daniel.StClair@ssinvests.com

j. Email Address

### 3. Property Owner (if different):

a. First Name

b. Last Name

Applicant is Contract Purchaser

c. Organization

d. Mailing Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email Address

## B. Fees

Fee should be calculated using the following process & worksheet. **Please see Instructions before filling out worksheet.**

**Step 1/Type of Activity:** Describe each type of activity that will occur in wetland resource area and buffer zone.

**Step 2/Number of Activities:** Identify the number of each type of activity.

**Step 3/Individual Activity Fee:** Identify each activity fee from the six project categories listed in the instructions.

**Step 4/Subtotal Activity Fee:** Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

**Step 5/Total Project Fee:** Determine the total project fee by adding the subtotal amounts from Step 4.

**Step 6/Fee Payments:** To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**NOI Wetland Fee Transmittal Form**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**B. Fees** (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Each Building for Development	3	\$1,050	\$3,150
Each Crossing for development	1	\$1,450	1,450
Arlington Bylaw Fee			
Multiple Dwelling Structures	3	\$600	\$1,800
# of Units within 100 Feet of Wetlands	114	\$100	\$11,400
20% Waiver Discount	1	-\$2,640	- \$2,640
Step 5/Total Project Fee:			\$15,160

**Step 6/Fee Payments:**

Total Project Fee:	\$4,600
State share of filing Fee:	\$2,287.50
City/Town share of filling Fee:	\$2,312.50+ \$10,560
	a. Total Fee from Step 5
	b. 1/2 Total Fee <b>less</b> \$12.50
	c. 1/2 Total Fee <b>plus</b> \$12.50

**C. Submittal Requirements**

- a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection  
Box 4062  
Boston, MA 02211

- b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and the city/town fee payment.

**To MassDEP Regional Office** (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and a **copy** of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)

THIS DOCUMENT HAS A VOID PANTOGRAPH, HIGH RESOLUTION BORDER, CHEMICALLY REACTIVE PAPER, FLOURESCENT FIBERS AND A WATERMARK. ABSENCE OF THESE FEATURES  
**ROCKLAND** Branch: 925 **TREASURER'S CHECK** 2241868  
53-447  
113

www.rocklandtrust.com

IF THIS CHECK IS LOST OR STOLEN, AN INDEMNITY  
BOND WILL BE REQUIRED FOR REPLACEMENT.

DATE August 18, 2021

REMITTER 1165 R MASS MA VENTURES LLC

\$\*\*\*\*\*10,560.00

PAY TEN THOUSAND FIVE HUNDRED SIXTY AND 00/100

TO THE ORDER OF ARLINGTON CONSERVATION COMMISSION

PURPOSE WETLAND BYLAW FEE

  
AUTHORIZED SIGNATURE  
PRINTED NAME

⑈02241868⑈ ⑆011304478⑆ ⑈11111111⑈

M 684736

THIS DOCUMENT HAS A VOID PANTOGRAPH, HIGH RESOLUTION BORDER, CHEMICALLY REACTIVE PAPER, FLOURESCENT FIBERS AND A WATERMARK. ABSENCE OF THESE FEATURES  
**ROCKLAND** Branch: 925 **TREASURER'S CHECK** 2241865  
53-447  
113

www.rocklandtrust.com

IF THIS CHECK IS LOST OR STOLEN, AN INDEMNITY  
BOND WILL BE REQUIRED FOR REPLACEMENT.

DATE August 18, 2021

REMITTER 1165 R MASS MA VENTURES LLC

\$\*\*\*\*\*2,287.50

PAY TWO THOUSAND TWO HUNDRED EIGHTY-SEVEN AND 50/100

TO THE ORDER OF COMMONWEALTH OF MASSACHUSETTS

PURPOSE WPA STATE FILING FEE

  
AUTHORIZED SIGNATURE  
PRINTED NAME

⑈02241865⑈ ⑆011304478⑆ ⑈11111111⑈



14 658770

THIS DOCUMENT HAS A VOID PANTOGRAPH, HIGH RESOLUTION BORDER, CHEMICALLY REACTIVE FIBERS AND A WATERMARK. ABSENCE OF THESE FEATURES WILL INDICATE A COUNTERFEIT.

**ROCKLAND TRUST**  
www.rocklandtrust.com

**TREASURER'S CHECK**

2241866

Branch: 925

IF THIS CHECK IS LOST OR STOLEN, AN INDEMNITY BOND WILL BE REQUIRED FOR REPLACEMENT.

113

DATE AUGUST 18, 2021

REMITTER 1165 R MASS MA VENTURES LLC

PAY TWO THOUSAND THREE HUNDRED TWELVE AND 50/100

TO THE ORDER OF TOWN OF ARLINGTON

\$\*\*\*\*\*2,312.50

PURPOSE TOWN FEE

*[Signature]*  
AUTHORIZED SIGNATURE

PRINTED NAME

1102241866 110113044781 1111111111

**Appendix to Notice of Intent for 1165R Massachusetts Avenue:  
Supplemental Maps**

Exhibit No.

Exhibit

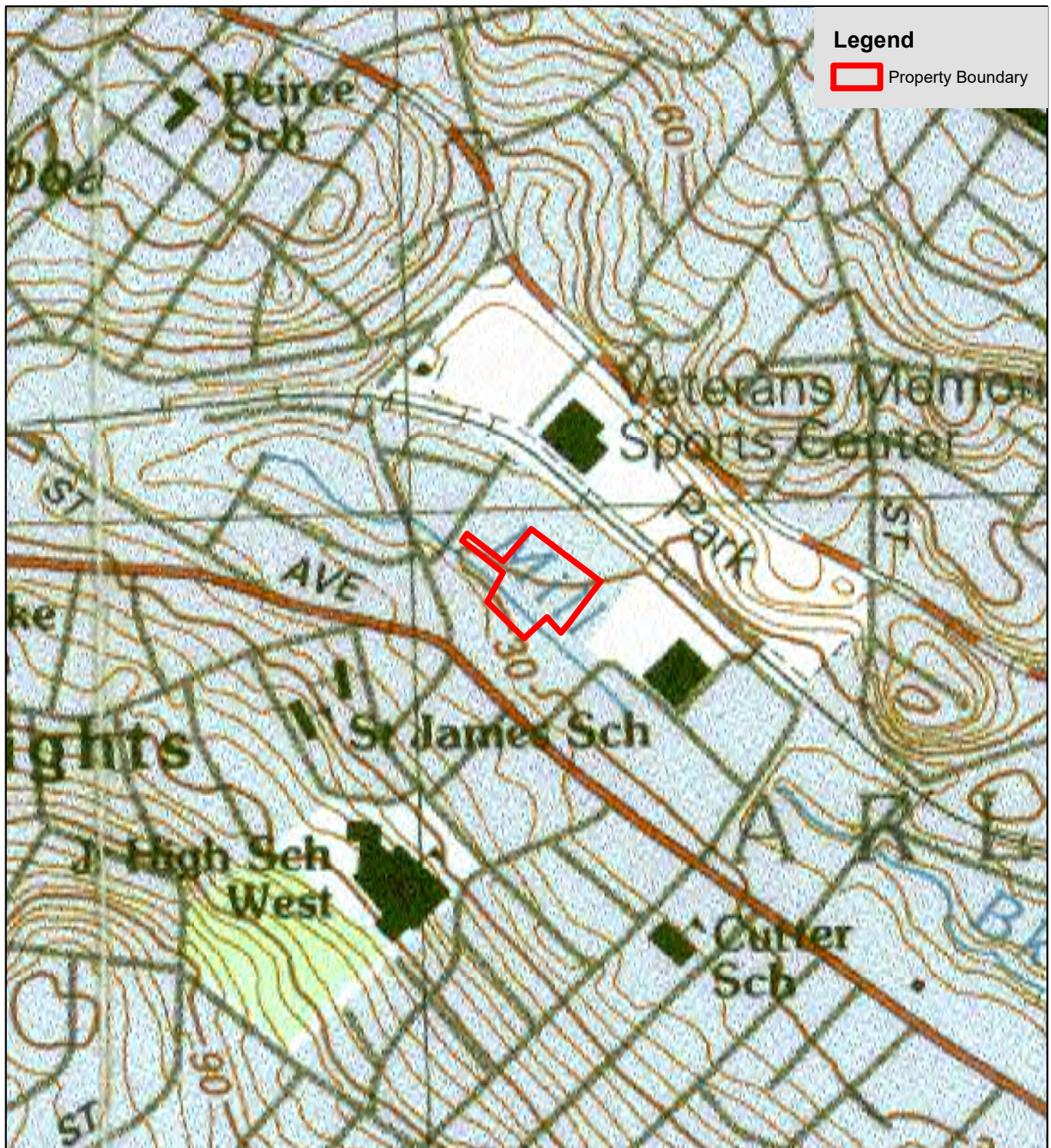
1

USGS of the Locus Site

2

Orthophoto of Locus Site

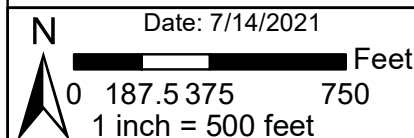




## USGS of the Locus Site

1165R Massachusetts Avenue- Arlington, MA

(Map: 57, Parcel: 2 Lot: 10.B, 15.D)

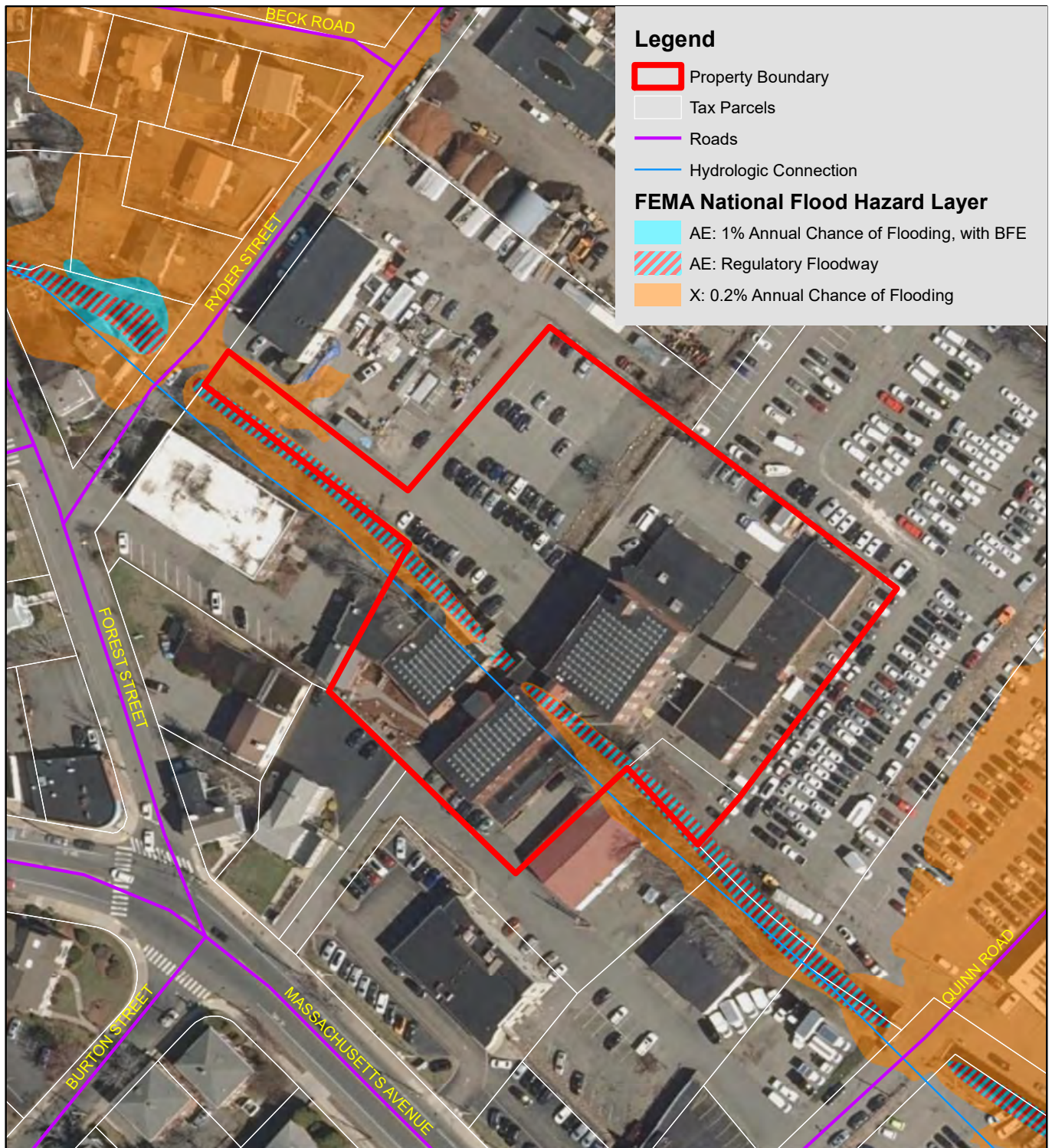


Date: 7/14/2021

GIS Data Source: "Office of Geographic Information (MassGIS), Commonwealth of Massachusetts, MassIT"

GODDARD CONSULTING  
Strategic Wetland Permitting

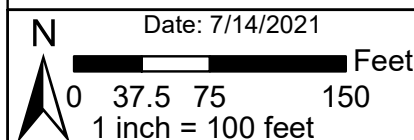




## Orthophoto View of the Locus Site

1165R Massachusetts Avenue- Arlington, MA

(Map: 57, Parcel: 2 Lot: 10.B, 15.D)



Date: 7/14/2021

GIS Data Source: "Office of Geographic Information (MassGIS), Commonwealth of Massachusetts, MassIT"

GODDARD CONSULTING  
Strategic Wetland Permitting LLC





Office of the Board of Assessors  
Robbins Memorial Town Hall  
Arlington, MA 02476  
(781) 316-3050  
Assessors@town.arlington.ma.us

## Abutters List

Date: August 09, 2021

Subject Property Address: 1165-1167 MASS AVE Arlington, MA

Subject Property ID: 57-2-10.B

&

Subject Property Address: 0-LOT RYDER ST Arlington, MA

Subject Property ID: 57-2-15.D

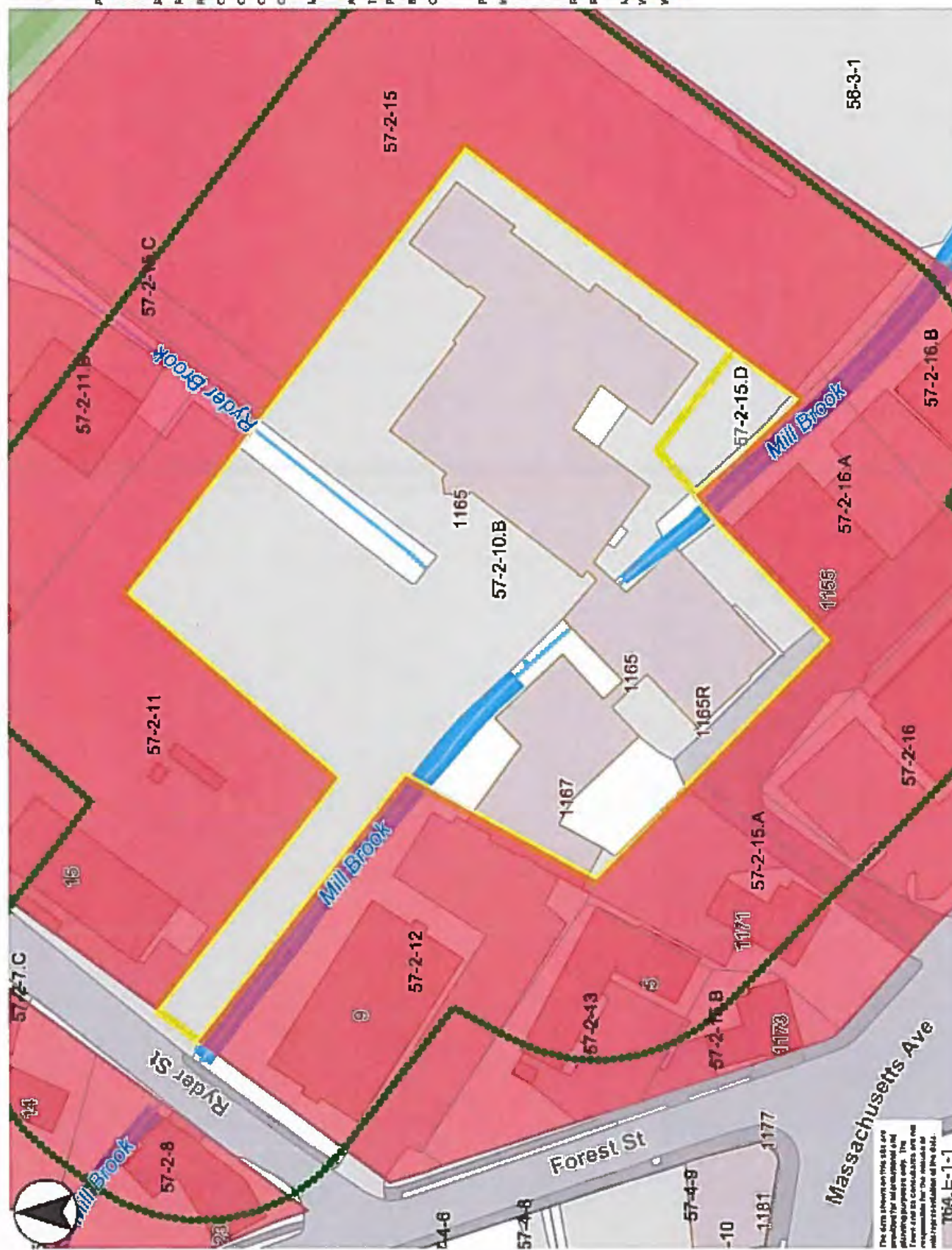
Search Distance: **100 Feet - Conservation**

The Office of the Board of Assessors certifies the names and addresses of requested parties in interest, all abutters to the above listed parcels (combined) within 100 feet.

A handwritten signature in black ink, reading "Robert E. Greeley". The signature is written in a cursive style with a large, stylized "R" and "G".

---

**Board of Assessors**



Printed on 08/09/2021 at 11:38 AM

Year	Number of people (millions)
2001	9.5
2002	9.8

**Abutters List**

Date: August 09, 2021

Subject Property Address: 1165-1167 MASS AVE Arlington, MA

Subject Property ID: 57-2-10.B

&amp;

Subject Property Address: 0-LOT RYDER ST Arlington, MA

Subject Property ID: 57-2-15.D

Search Distance: 100 Feet

---

**Prop ID: 57-2-10.B****Prop Location: 1165-1167 MASS AVE Arlington, MA****Owner: ARLINGTON CENTER GARAGE &****Co-Owner: SERVICE CORP****Mailing Address:****438 MASS AVE SUITE 127****ARLINGTON, MA 02474**

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**Prop ID: 57-2-11****Prop Location: 15 RYDER ST Arlington, MA****Owner: LALICATA REALTY LLC****Co-Owner:****Mailing Address:****15 RYDER ST****ARLINGTON, MA 02476**

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**Prop ID: 57-2-11.B****Prop Location: 33 RYDER ST Arlington, MA****Owner: TOWN OF ARLINGTON PARK****Co-Owner:****Mailing Address:****730 MASS AVE****ARLINGTON, MA 02476**

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**Prop ID: 57-2-13****Prop Location: 5 FOREST ST Arlington, MA****Owner: NEIL J CROWLEY LLC****Co-Owner:****Mailing Address:****18 CRANES CT****WOBURN, MA 01801**

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**Prop ID: 57-2-15****Prop Location: 0-LOT RYDER ST Arlington, MA****Owner: YUKON REALTY LLC****Co-Owner:****Mailing Address:****1125 MASS AVE****ARLINGTON, MA 02476**

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**Prop ID: 57-2-15.A****Prop Location: 1171 MASS AVE Arlington, MA****Owner: ANNESE ROBERT J TR J-JUDITH****Co-Owner: 1171 MASS AVE REALTY TRUST****Mailing Address:****2 SHIRE LANE****BEDFORD, MA 01730**

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**Prop ID: 57-2-15.B****Prop Location: 1173 MASS AVE Arlington, MA****Owner: HOUSING CORPORATION OF****Co-Owner: ARLINGTON****Mailing Address:****252 MASS AVE****ARLINGTON, MA 02476**

---

**Prop ID: 57-2-15.C****Prop Location: 0-LOT RYDER ST Arlington, MA****Owner: MIRAK TRUCK CENTER LLC****Co-Owner:****Mailing Address:****1151 R MASS AVE****ARLINGTON, MA 02476**

---

**Prop ID: 57-2-15.D****Prop Location: 0-LOT RYDER ST Arlington, MA****Owner: ARLINGTON CENTER GARAGE****Co-Owner:****Mailing Address:****438 MASS AVE SUITE 127****ARLINGTON, MA 02474**

---

**Prop ID: 57-2-16****Prop Location: 1165 MASS AVE Arlington, MA****Owner: YUKON REALTY LLC****Co-Owner:****Mailing Address:****1125 MASS AVE****ARLINGTON, MA 02476**

---

**Prop ID: 57-2-16.A****Prop Location: 1155-R MASS AVE Arlington, MA****Owner: YUKON REALTY LLC****Co-Owner:****Mailing Address:****1125 MASS AVE****ARLINGTON, MA 02476**

---

**Prop ID: 57-2-16.B****Prop Location: 1151-R MASS AVE Arlington, MA****Owner: YUKON REALTY LLC****Co-Owner:****Mailing Address:****1125 MASS AVE****ARLINGTON, MA 02476**

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---

Prop ID: 57-2-7.B  
Prop Location: 14 RYDER ST Arlington, MA  
Owner: WEBER NICOLE R  
Co-Owner:  
Mailing Address:  
14 RYDER ST  
ARLINGTON, MA 02476

---

Prop ID: 57-2-7.C  
Prop Location: 18 RYDER ST Arlington, MA  
Owner: DESHPANDE NAREN/ANUJA  
Co-Owner:  
Mailing Address:  
18 RYDER STREET  
ARLINGTON, MA 02476

---

Prop ID: 57-2-8.A  
Prop Location: 23 FOREST ST UNIT A Arlington, MA  
Owner: ERICKSON KAREN  
Co-Owner: TAYLOR THOMAS  
Mailing Address:  
23 FOREST STREET #A  
ARLINGTON, MA 02476

---

Prop ID: 57-2-8.B  
Prop Location: 23 FOREST ST UNIT B Arlington, MA  
Owner: TEE ALEXANDER K  
Co-Owner:  
Mailing Address:  
2 RYDER STREET UNIT B  
ARLINGTON, MA 02476

---

Prop ID: 57.B-1-1  
Prop Location: 9 RYDER ST UNIT 1 Arlington, MA  
Owner: TZOVARAS GREGORIOS/ TRUSTEE  
Co-Owner: GREGORIOS TZOVARAS TRUST  
Mailing Address:  
3 THOMAS STREET  
WOBBURN, MA 01801

---

Prop ID: 57.B-1-10  
Prop Location: 9 RYDER ST UNIT 10 Arlington, MA  
Owner: HAMPTON SHELDON  
Co-Owner:  
Mailing Address:  
9 RYDER STREET #10  
ARLINGTON, MA 02476

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Prop ID: 57.B-1-11  
Prop Location: 9 RYDER ST UNIT 11 Arlington, MA  
Owner: HAN XIAOGANG  
Co-Owner: DONG JENNIFER  
Mailing Address:  
508 LOWELL ST  
LEXINGTON, MA 02420

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Prop ID: 57.B-1-12  
Prop Location: 9 RYDER ST UNIT 12 Arlington, MA  
Owner: AGUILAR LUZ G  
Co-Owner:  
Mailing Address:  
9 RYDER ST UNIT 12  
ARLINGTON, MA 02476

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Prop ID: 57.B-1-13  
Prop Location: 9 RYDER ST UNIT 13 Arlington, MA  
Owner: WINNIG-GIULIANO MICHAEL R  
Co-Owner:  
Mailing Address:  
10 WOODLAND ST  
NATICK, MA 01760

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Prop ID: 57.B-1-14  
Prop Location: 9 RYDER ST UNIT 14 Arlington, MA  
Owner: GILMARTIN WILLIAM T  
Co-Owner:  
Mailing Address:  
9 RYDER ST #14  
ARLINGTON, MA 02476

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Prop ID: 57.B-1-15  
Prop Location: 9 RYDER ST UNIT 15 Arlington, MA  
Owner: RYDER STREET LLC  
Co-Owner:  
Mailing Address:  
46 COLUMBIA RD  
ARLINGTON, MA 02474

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Prop ID: 57.B-1-16  
Prop Location: 9 RYDER ST UNIT 16 Arlington, MA  
Owner: JACOB JOAN/TRUSTEE  
Co-Owner: 33 REGENT RD TRUST  
Mailing Address:  
107 CLOCKTOWER DR UNIT 204  
WALTHAM, MA 02452

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Prop ID: 57.B-1-17  
Prop Location: 9 RYDER ST UNIT 17 Arlington, MA  
Owner: CHIN YOLANDA & JENNIFER  
Co-Owner:  
Mailing Address:  
17 PIEDMONT ST  
ARLINGTON, MA 02474

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Prop ID: 57.B-1-18  
Prop Location: 9 RYDER ST UNIT 18 Arlington, MA  
Owner: PETITTO ANGLEA E & CAERINA LINA  
Co-Owner: PETITTO JACQUELINE ELVIRA  
Mailing Address:  
9 RYDER ST #18  
ARLINGTON, MA 02474

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Prop ID: 57.B-1-19  
Prop Location: 9 RYDER ST UNIT 19 Arlington, MA  
Owner: BALIJEPAI SURYA  
Co-Owner:  
Mailing Address:  
568 NORTH RD  
SUDBURY, MA 01776

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Prop ID: 57.B-1-2  
Prop Location: 9 RYDER ST UNIT 2 Arlington, MA  
Owner: CASEY TERESA E C  
Co-Owner:  
Mailing Address:  
15 MARKET STREET  
BILLERICA, MA 01821

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Prop ID: 57.B-1-20  
Prop Location: 9 RYDER ST UNIT 20 Arlington, MA  
Owner: RAFI SHOWKAT A  
Co-Owner:  
Mailing Address:  
PO BOX 1134  
BURLINGTON, MA 01803

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Prop ID: 57.B-1-21  
Prop Location: 9 RYDER ST UNIT 21 Arlington, MA  
Owner: CHIN RUSSELL  
Co-Owner:  
Mailing Address:  
17 PEARL STREET  
LEXINGTON, MA 02420

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Prop ID: 57.B-1-22  
Prop Location: 9 RYDER ST UNIT 22 Arlington, MA  
Owner: OWEN GERALDINE M ETAL/TRUSTEES  
Co-Owner: EDWARD R OWEN FAMILY TRUST  
Mailing Address:  
9 RYDER ST #22  
ARLINGTON, MA 02476

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Prop ID: 57.B-1-23  
Prop Location: 9 RYDER ST UNIT 23 Arlington, MA  
Owner: KIM JIN W & SUNGJA Y  
Co-Owner:  
Mailing Address:  
1 BLANCHARD RD  
CAMBRIDGE, MA 02138

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Prop ID: 57.B-1-24  
Prop Location: 9 RYDER ST UNIT 24 Arlington, MA  
Owner: CHHIM BETHANY K  
Co-Owner:  
Mailing Address:  
9 RYDER ST UNIT 24  
ARLINGTON, MA 02474

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Prop ID: 57.B-1-3  
Prop Location: 9 RYDER ST UNIT 3 Arlington, MA  
Owner: BUTTERS ARLENE  
Co-Owner:  
Mailing Address:  
9 RYDER STREET-UNIT 3  
ARLINGTON, MA 02476

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Prop ID: 57.B-1-5  
Prop Location: 9 RYDER ST UNIT 5 Arlington, MA  
Owner: DOTALO CAROL A  
Co-Owner:  
Mailing Address:  
9 RYDER STREET #5  
ARLINGTON, MA 02476

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Prop ID: 57.B-1-6  
Prop Location: 9 RYDER ST UNIT 6 Arlington, MA  
Owner: YANG JIQIN/LUO GUOYING  
Co-Owner: TRS/THE YANG AND LUO TRUST  
Mailing Address:  
21 HERITAGE DRIVE  
LEXINGTON, MA 02420

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Prop ID: 57.B-1-7  
Prop Location: 9 RYDER ST UNIT 7 Arlington, MA  
Owner: LI YANG  
Co-Owner:  
Mailing Address:  
9 RYDER ST UNIT 7  
ARLINGTON, MA 02476

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Prop ID: 57.B-1-8  
Prop Location: 9 RYDER ST UNIT 8 Arlington, MA  
Owner: GRAZIANO GERALD J  
Co-Owner:  
Mailing Address:  
59 THESDA STREET  
ARLINGTON, MA 02474

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Prop ID: 57.B-1-9  
Prop Location: 9 RYDER ST UNIT 9 Arlington, MA  
Owner: CHEN JERRY C  
Co-Owner:  
Mailing Address:  
18 DOUGLAS ROAD  
LEXINGTON, MA 02420

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**Notification to Abutters Under the  
Massachusetts Wetlands Protection Act  
And Arlington Wetlands Protection Bylaw**

In accordance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, and the Arlington Wetlands Protection Bylaw, you are hereby notified of the following:

The Conservation Commission will hold a public hearing in the second-floor conference room of the Town Hall Annex, 730 Massachusetts Avenue, Arlington, on 2, September, 2021, at 7:30 in accordance with the provisions of the Mass. Wetlands Protection Act (M.G.L. Ch. 131, s. 40, as amended) and the Town of Arlington By-Laws Article 8, By-Law for Wetland Protection, for a Notice of Intent (or Request for Determination of Applicability) from 1165R Mass MA Property, LLC. The Application proposes the development of one hundred and twenty-four (124) units of rental housing with associated parking in three (3) structures located at the Property at 1165R Massachusetts Avenue, Arlington, MA, within 100 feet of a wetland, on Assessor's Property Map 57-2-10.B and 57-2-15.D.

A copy of the application and accompanying plans are available for inspection Mon. - Fri. 8am-noon at the Conservation Commission office, first floor of the Town Hall Annex, 730 Massachusetts Avenue and Goddard Consulting - 291 Main Street Suite #8, Northborough, MA Monday- Friday 9 am- 3:30 pm.

For more information call Goddard Consulting at (508) 393-3784 or the Arlington Conservation Commission at 781-316-3012, or the DEP Northeast Regional Office, 978-694-3200.

NOTE: Notice of the Public Hearing will be published at least five (5) days in advance in The Arlington Advocate and be posted not less than 48 hours in advance in the Arlington Town Hall of the public hearing.

\*\*\*\*\*

**APPENDIX 5**

**AFFIDAVIT OF SERVICE**

(Return to Conservation Commission)

I, Thomas Schutz, being duly sworn, do hereby state as follows: on 8/18/2021, I mailed a “Notification to Abutters” in compliance with the second paragraph of Massachusetts General Laws, Chapter 131, s.40, the DEP Guide to Abutter Notification dated April 8, 1994, and the Arlington Wetlands Protection Bylaw, Title V, Article 8 of the Town of Arlington Bylaws in connection with the following matter:

The form of the notification, and a list of the abutters to whom it was provided and their addresses, are attached to this Affidavit of Service.

Signed under the pains and penalties of perjury, this 18 day of August, 2021.

Thomas Schutz

Name

**Appendix to Notice of Intent for 1165R Massachusetts Avenue:  
Supplemental Ryder Brook Analysis**

<u>Exhibit No.</u>	<u>Exhibit</u>
1	Drainage Ditch Analysis
2	Determination of Applicability
3	Stream Replication Plan



August 10, 2020

Arlington Conservation Commission  
730 Massachusetts Ave.  
Arlington, MA 02476

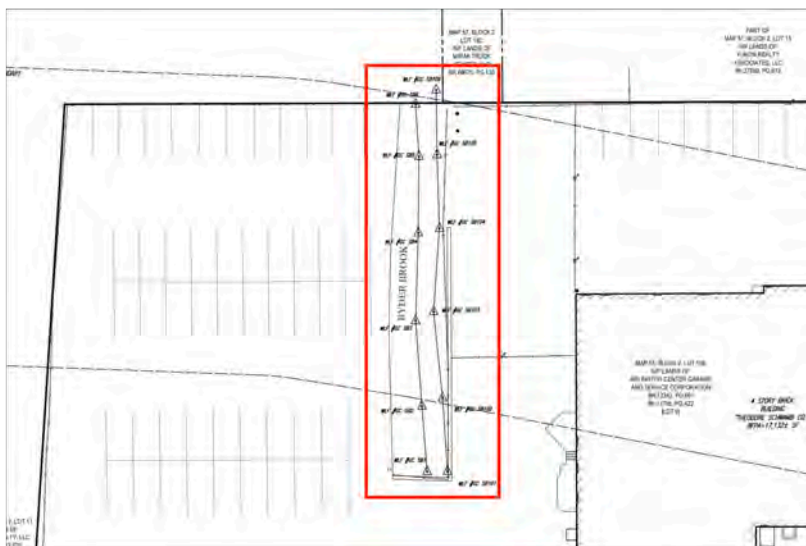
**Re: Drainage Ditch Analysis**  
**1165R Massachusetts Avenue - Arlington, MA**

### **1. Introduction**

Goddard Consulting, LLC (Goddard), is pleased to submit this RDA on behalf of "1165R Mass Ave MA Property LLC" for the property known as 1165R Mass Ave in Arlington. The purpose of this analysis is to provide evidence to the Commission that the existing drainage ditch shown on the Existing Conditions plan (known locally as "Ryder Brook") does not meet the definition of "stream" according to 310 CMR 10.04 and is therefore not a jurisdictional resource area.

### **2. Existing Conditions**

The banks of the drainage ditch were delineated by Goddard Consulting with flags labeled SB1-6 on the west side and SB101-106 on the east side, as shown on the Existing Conditions plan dated 8/5/20.



The onsite portion of the ditch conveys stormwater through a portion of the property before it enters a culvert and ultimately connects to Mill Brook. The daylighted portion of the ditch originates at a culvert discharge offsite just below the Minuteman Bikeway and flows towards the subject property. Using existing and historical imagery, USGS StreamStats and on-the-ground inspections, I determined that there are no freshwater wetlands upgradient of the discharge point from under the Minuteman Bikeway, and that the source of the water flowing through the ditch (when it is flowing) is likely entirely from catch basins.

It contains well-defined banks and is bordered by greater than 90% upland plant species with upland soils, so no Bordering Vegetated Wetlands are present alongside. The ditch was observed to be completely dry on 8/10/20 (Photo 1), and is therefore considered to be “intermittent.”



*Photo 1 - View of dry ditch on 8/10/20.*



### 3. Mapping Analysis

The earliest available USGS map of the subject area is from 1903 (Figure 1). In this image, there is a clear stream system leading down slope of Turkey Hill from a mapped wetland (within purple circle) into Mill Brook. Note that the map shows what is now known as Ryder Brook flowing northwest of the subject property.



Figure 1 - USGS map from 1903.

A subsequent USGS map from 1943 (Figure 2) shows a similar stream system flowing down Turkey Hill to Mill Brook, but no longer a wetland at the source (purple circled area).



Figure 2 - USGS map from 1943.

Just three years later, a map from 1946 (Figure 3) shows a complete disappearance of the former source wetland (purple circle) and of the stream system down Turkey Hill.



Figure 3 - USGS map from 1946.



A map from 1956 (Figure 4) indicates that the entire area had been converted to residential neighborhoods.

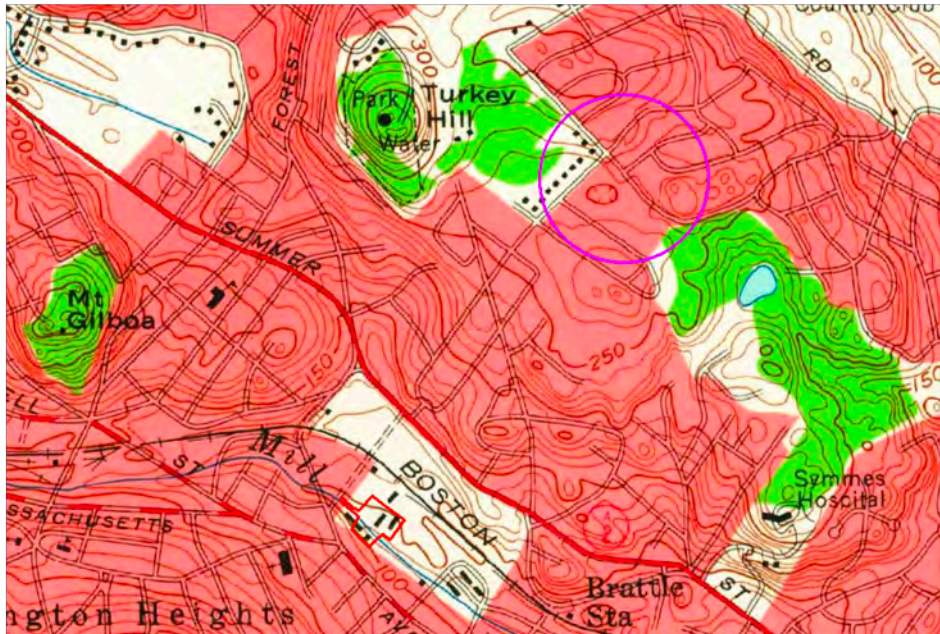


Figure 4 - USGS map from 1956.

Finally, the current USGS map from 2018 (Figure 5) shows no wetlands or streams leading down Turkey Hill towards Mill Brook.

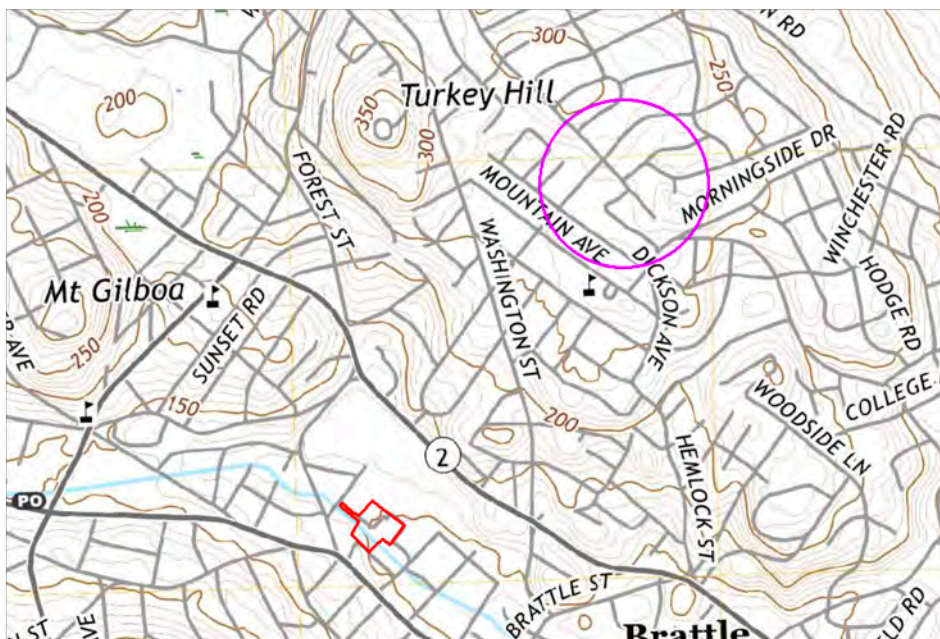


Figure 5 - USGS map from 2018.

The USGS StreamStats website is another valuable tool for analyzing streams and watersheds. The following images (Figures 6 & 7) show the current delineation of streams connecting to Mill Brook in the vicinity of the subject property (as a map and ortho view respectively).

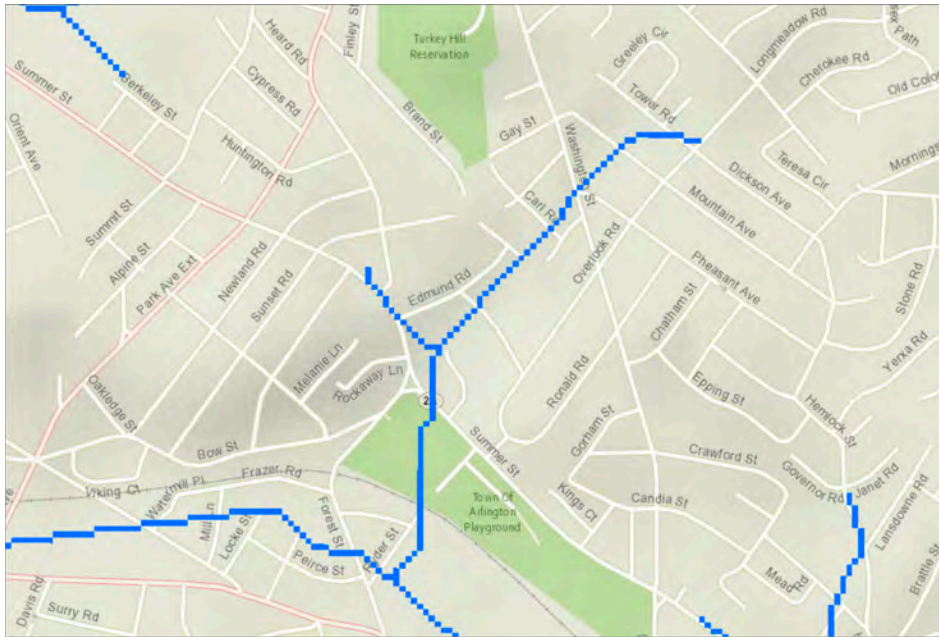


Figure 6 - StreamStats map view of streams flowing into Mill Brook.

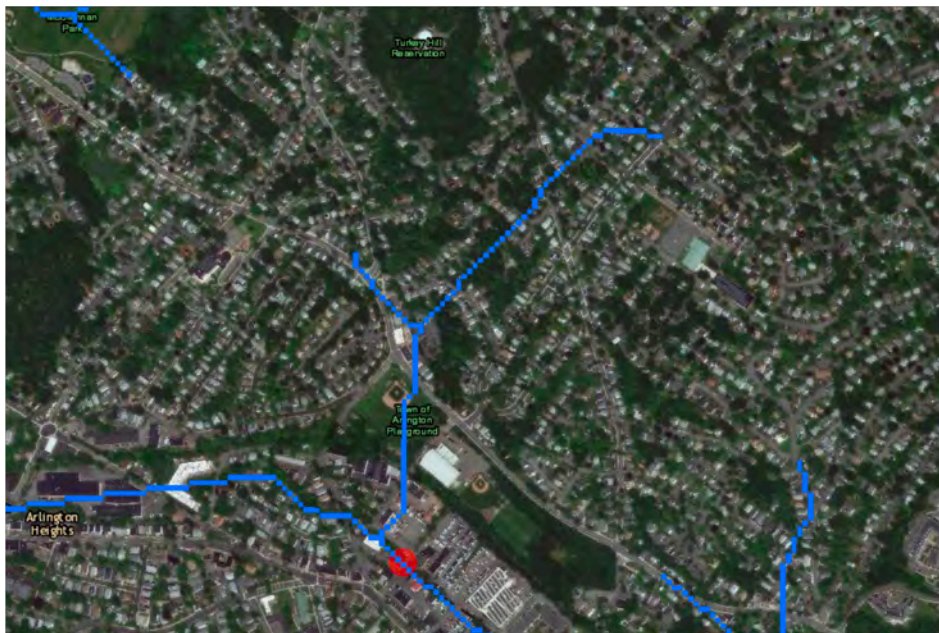


Figure 7 - Orthophoto view of StreamStats stream mapping.



Using the StreamStats map as a guide, I inspected the mapped drainage, from near the top of Turkey Hill at Tower Lane/Hiawatha Road and zig-zagged down the slope by car and on foot, looking for any indication of streams or wetlands. I did not observe any sign of wetlands or streams from Turkey Hill to the culvert discharge just below the Minuteman Bikeway. I concluded that there are no wetlands upgradient of the onsite drainage ditch.

#### **4. Regulatory Context**

The following is the official definition of “Stream” from the WPA Regulations.

Stream means a body of running water, including brooks and creeks, which moves in a definite channel in the ground due to a hydraulic gradient, and which flows within, into or out of an Area Subject to Protection under M.G.L. c. 131, § 40. A portion of a stream may flow through a culvert or beneath a bridge. Such a body of running water which does not flow throughout the year (*i.e.*, which is intermittent) is a stream except for that portion upgradient of all bogs, swamps, wet meadows and marshes.

**(310 CMR 10.04)**

The last phrase of this definition is the key to our assertion that the ditch is not a jurisdictional stream: “except for that portion upgradient of all bogs, swamps, wet meadows and marshes.” There are no bogs, swamps, wet meadows or marshes presently upgradient of the ditch, therefore I conclude that it is not a stream, in accordance with 310 CMR 10.04.

If there are any questions concerning this submission, please do not hesitate to contact me.

Sincerely,

Goddard Consulting, LLC

by 

Dan Wells, M.S.  
Senior Wildlife Biologist & Wetland Scientist



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 2 – Determination of Applicability**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**A. General Information**

**Important:**

When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



From:

Arlington

Conservation Commission

To: Applicant

Daniel St. Clair

Name

One Post Office Square, 26<sup>th</sup> Floor

Mailing Address

Boston

City/Town

MA

State

02109

Zip Code

Property Owner (if different from applicant):

1165R Mass Ave MA Property LLC

Name

Spaulding & Slye Investments, One Post Office Square, 26<sup>th</sup> Floor

Boston

City/Town

MA

State

02109

Zip Code

1. Title and Date (or Revised Date if applicable) of Final Plans and Other Documents:

Request for Determination of Applicability Packet 1165-1167 Mass Ave. & 0 Ryder Street - Arlington, MA

08/10/2020

Date

Pre-1946 Mill Complex Footprint Exhibit

09/21/2020

Date

Title

Supplemental Materials

09/10/2020 and

09/24/2020

Date

Title

2. Date Request Filed:

08/10/2020

**B. Determination**

Pursuant to the authority of M.G.L. c. 131, § 40, the Conservation Commission considered your Request for Determination of Applicability, with its supporting documentation, and made the following Determination.

Project Description (if applicable):

The RDA requested jurisdiction review for the site under the Wetlands Protection Act:

- 1) Review the Riverfront Area to determine if the property contains a Historic Mill Complex as defined under the Massachusetts Wetlands Protection Act (WPA) Regulations 310 CMR 10.04. The exact Historic Mill Complex boundary is referenced in document #2 listed above.
- 2) Review the Historic Mill Complex exemption request under the Riverfront Area regulations in 310 CMR 10.58(6)(k). The exact Historic Mill Complex boundary is referenced in document #2 listed above.
- 3) Review the existing drainage ditch, known locally as Ryder Brook, and determine if it meets the definition of "stream" in 310 CMR 10.04. The drainage ditch area is depicted by flags SB 1-6 and SB 101-106 in the RDA package referenced in document #1 listed above.

Project Location:

1165-1167 Massachusetts Ave; 0 Ryder Street

Street Address

57-2

Assessors Map/Plat Number

Arlington

City/Town

10.B and 15

Parcel/Lot Number





Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 2 – Determination of Applicability**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**B. Determination (cont.)**

The following Determination(s) is/are applicable to the proposed site and/or project relative to the Wetlands Protection Act and regulations:

Positive Determination

Note: No work within the jurisdiction of the Wetlands Protection Act may proceed until a final Order of Conditions (issued following submittal of a Notice of Intent or Abbreviated Notice of Intent) or Order of Resource Area Delineation (issued following submittal of Simplified Review ANRAD) has been received from the issuing authority (i.e., Conservation Commission or the Department of Environmental Protection).

☐ 1. The area described on the referenced plan(s) is an area subject to protection under the Act. Removing, filling, dredging, or altering of the area requires the filing of a Notice of Intent.

☐ 2a. The boundary delineations of the following resource areas described on the referenced plan(s) are confirmed as accurate. Therefore, the resource area boundaries confirmed in this Determination are binding as to all decisions rendered pursuant to the Wetlands Protection Act and its regulations regarding such boundaries for as long as this Determination is valid.

☐ 2b. The boundaries of resource areas listed below are not confirmed by this Determination, regardless of whether such boundaries are contained on the plans attached to this Determination or to the Request for Determination.

☐ 3. The work described on referenced plan(s) and document(s) is within an area subject to protection under the Act and will remove, fill, dredge, or alter that area. Therefore, said work requires the filing of a Notice of Intent.

☐ 4. The work described on referenced plan(s) and document(s) is within the Buffer Zone and will alter an Area subject to protection under the Act. Therefore, said work requires the filing of a Notice of Intent or ANRAD Simplified Review (if work is limited to the Buffer Zone).

☐ 5. The area and/or work described on referenced plan(s) and document(s) is subject to review and approval by:

\_\_\_\_\_  
Name of Municipality

Pursuant to the following municipal wetland ordinance or bylaw:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Ordinance or Bylaw Citation



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 2 – Determination of Applicability**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**B. Determination (cont.)**

- ☐ 6. The following area and/or work, if any, is subject to a municipal ordinance or bylaw but not subject to the Massachusetts Wetlands Protection Act:

- ☐ 7. If a Notice of Intent is filed for the work in the Riverfront Area described on referenced plan(s) and document(s), which includes all or part of the work described in the Request, the applicant must consider the following alternatives. (Refer to the wetland regulations at 10.58(4)c. for more information about the scope of alternatives requirements):

- ☐ Alternatives limited to the lot on which the project is located.
- ☐ Alternatives limited to the lot on which the project is located, the subdivided lots, and any adjacent lots formerly or presently owned by the same owner.
- ☐ Alternatives limited to the original parcel on which the project is located, the subdivided parcels, any adjacent parcels, and any other land which can reasonably be obtained within the municipality.
- ☐ Alternatives extend to any sites which can reasonably be obtained within the appropriate region of the state.

**Negative Determination**

Note: No further action under the Wetlands Protection Act is required by the applicant. However, if the Department is requested to issue a Superseding Determination of Applicability, work may not proceed on this project unless the Department fails to act on such request within 35 days of the date the request is post-marked for certified mail or hand delivered to the Department. Work may then proceed at the owner's risk only upon notice to the Department and to the Conservation Commission. Requirements for requests for Superseding Determinations are listed at the end of this document.

- ☒ 1. The area described in the Request is not an area subject to protection under the Act or the Buffer Zone.
- ☐ 2. The work described in the Request is within an area subject to protection under the Act, but will not remove, fill, dredge, or alter that area. Therefore, said work does not require the filing of a Notice of Intent.
- ☐ 3. The work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions (if any).

- ☐ 4. The work described in the Request is not within an Area subject to protection under the Act (including the Buffer Zone). Therefore, said work does not require the filing of a Notice of Intent, unless and until said work alters an Area subject to protection under the Act.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 2 – Determination of Applicability**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**B. Determination (cont.)**

- ☐ 5. The area described in the Request is subject to protection under the Act. Since the work described therein meets the requirements for the following exemption, as specified in the Act and the regulations, no Notice of Intent is required:

Exempt Activity (site applicable statutory/regulatory provisions)

- ☐ 6. The area and/or work described in the Request is not subject to review and approval by:

Name of Municipality

Pursuant to a municipal wetlands ordinance or bylaw.

Name

Ordinance or Bylaw Citation

**C. Authorization**

This Determination is issued to the applicant and delivered as follows:

- ☐ by hand delivery on ☒ by certified mail, return receipt requested on

Date

Date

10/27/2020

This Determination is valid for **three years** from the date of issuance (except Determinations for Vegetation Management Plans which are valid for the duration of the Plan). This Determination does not relieve the applicant from complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.

This Determination must be signed by a majority of the Conservation Commission. A copy must be sent to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/>) and the property owner (if different from the applicant).

Signatures:

*[Handwritten signatures]*

Date

10/27/2020



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands

## **WPA Form 2 – Determination of Applicability**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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### **D. Appeals**

The applicant, owner, any person aggrieved by this Determination, any owner of land abutting the land upon which the proposed work is to be done, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate Department of Environmental Protection Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/>) to issue a Superseding Determination of Applicability. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and Fee Transmittal Form (see Request for Departmental Action Fee Transmittal Form) as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Determination. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant if he/she is not the appellant. The request shall state clearly and concisely the objections to the Determination which is being appealed. To the extent that the Determination is based on a municipal ordinance or bylaw and not on the Massachusetts Wetlands Protection Act or regulations, the Department of Environmental Protection has no appellate jurisdiction.

August 11, 2021

**Stream Replication Plan**

1165R Massachusetts Avenue  
Arlington, MA

Submitted to:

Arlington Conservation Commission  
Arlington Town Hall  
730 Massachusetts Ave.  
Arlington, MA 02476

Prepared for:

1165R MASS MA Property LLC

## 1. Introduction

On behalf of the applicant 1165 Mass MA Property, LLC , Goddard Consulting, LLC is pleased to submit this Stream Replication Plan. The plan describes the procedures and details for replicating the stream that will be relocated for the proposed 40B residential subdivision project at the address 1165R Massachusetts Avenue, Arlington, MA.

## 2. Replication Area Locations

The proposed relocation is shown on the attached figure title *Replication Planting Plan*. The stream replication area is located in the northwest corner of the property, adjacent to the proposed subdivision. The stream will be  $\pm 363$ lf in extent, which is a 113lf increase from the original length of the stream.

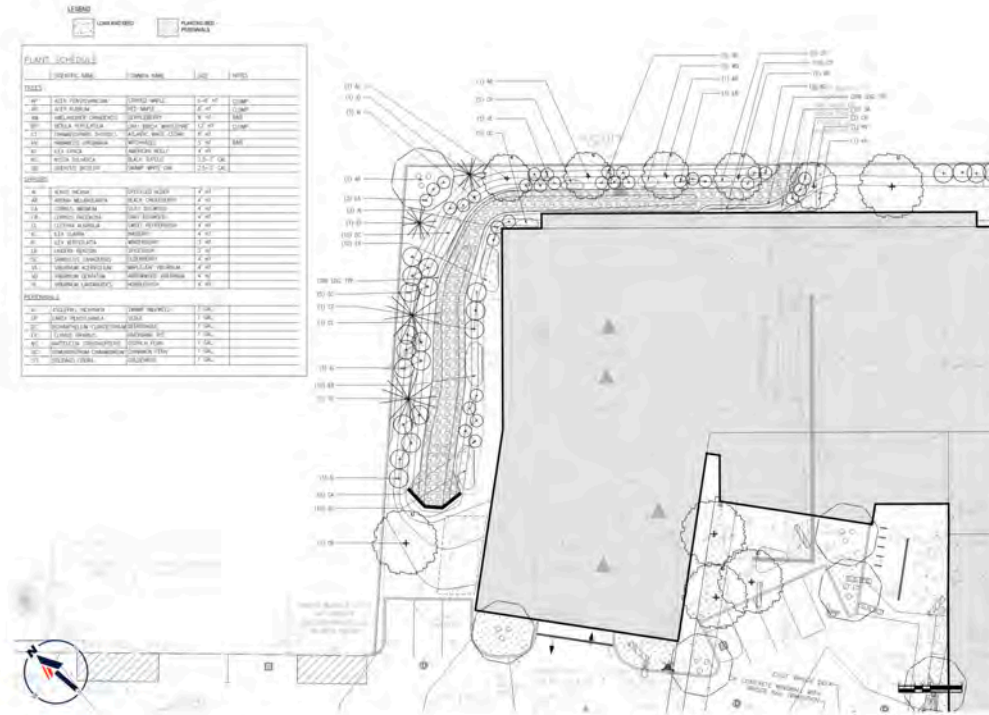


Figure 1. – Stream Replication Area location.

### **3. Streambed Replication Procedure**

1. Supervision: All work shall be supervised by a qualified wetland scientist with a minimum of five years' experience. The supervisor shall submit monitoring reports to

the Conservation Commission as described below. Reports shall contain details of all work performed and photographs of completed conditions.

2. Timing: Work within the stream shall take place during low- to no-flow conditions, which is typically between July 1 and October 30.
  - a. If flow is encountered, provide a temporary sand bag dam or pump system upstream to divert stream around construction area.
  - b. Provide dewatering basin if pumping is required.
3. Survey: Field stake limit of work as shown on the project site plans.
4. Photograph Pre-Construction Conditions: Supervising scientist shall take detailed photographic and/or video documentation of pre-existing streambed conditions. This will aid in the restoration of pre-existing streambed conditions within the replication area.
5. Erosion Control Barrier (ECB): Place ECB (staked siltation fence and mulch sock, or similar invasive-free barrier) as shown in the project site plans. This will remain in place and be maintained until the areas are completely stabilized.
6. Remove Any Potential Wildlife Habitat Features: This includes rocks, stones (at least 6-inches long +/-) or large woody debris. These features should be stockpiled nearby for later replacement within the replication area.
7. Excavate New Stream Location: Excavate the stream bed to desired grade of 95 in accordance with the plans.
8. Prepare Substrate of New Streambed:
  - a. Grade stream channel in accordance with the proposed grading. Final micro-topography of the channel should be a sinuous configuration to match the profiles of the existing stream above where the stream is in its natural state.
  - b. The upstream portion of the related stream will be lined with 12"-18" average diameter broken stone.
  - c. Downstream the channel will be lined with 3" diameter Riverstone.
9. Final Grading of Replication Area: Upon removal of existing soils down to the proper depth (as determined by the wetland scientist), the organic soil should be sourced from the soils stockpiled from the impact area. If the transplanted soils do not fill entire replication area, supplement with organic soils from an offsite source. The soil may be amended with a primary source consisting of organic materials composted from leaf litter from a reputable source and having an organic content of between 12-20%. Topsoil shall be placed within the replication area to a depth 6-12" and even with the surrounding proposed elevation on design plan, to be determined by the supervising wetland scientist. Final grade shall be confirmed to be proper by the wetland scientist prior to installation of plantings. Placement of soil shall be such that

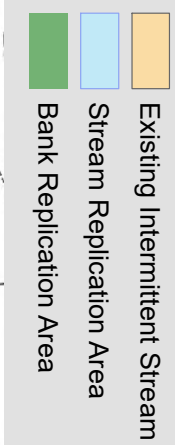
no equipment drives over or compacts placed wetland soils. Final grading will result in micro relief of pits and mounds. Erosion control mats shall be installed as necessary.

10. Place Woody Debris and Boulders: Stockpiled woody debris and boulders shall be randomly placed throughout the replication area to provide cover for wildlife and provide wildlife habitat.
11. Planting: Precise citing of plants may be determined by the wetland scientist in the field prior to installation. All plantings shall be distributed in accordance with the plan throughout the area; trees spaced at 10-15' on center; shrubs spaced at 6-10' on center and herbaceous species 3' or less on center. All plantings will be removed from burlap sacks, wire cages and plastic containers prior to planting. Each plant will have its roots loosened prior to planting to encourage root growth away from the planting bulb. Leaf litter shall be spread throughout area if available. Once all work is complete an erosion control barrier will be installed to enclose the replication.
12. Replication Monitoring: Annual monitoring reports shall be prepared for the replication area by a qualified wetland scientist for a period of 2 additional years after installation. This monitoring program will consist of a once-annual inspection, during spring or other time of year when the stream is flowing and vegetation is growing. Monitoring reports shall be submitted to the Commission by November 30<sup>th</sup> of each year. Monitoring reports shall describe, using narrative and color photographs, the physical characteristics of the streambed replication area with respect to flow characteristics, wildlife habitat features, soil characteristics, and survival of vegetation from the seed mix.
13. As-built: Upon completion of the installation procedures and plantings, an as-built plan, complete with one-foot contours, spot elevations, surface area of the BVW replication area, shall be prepared by a Registered Professional Land Surveyor and submitted to the Commission.
14. Erosion Controls Barrier Removal: Once the replication area is stable, a request shall be submitted to the Conservation Commission to remove the erosion controls around the wetland replication area. Upon approval of stabilization erosion controls shall be removed promptly.



#### 4. Planting List

Stream Replication Area			
	Common Name	Scientific Name	Quantity
<b>Trees</b>			
AP	Striped Maple (6-8' HT)	<i>Acer Pensylvanicum</i>	2
CT	Atlantic White Cedar (8' HT)	<i>Chamaecyparis Thyoides</i>	2
HV	Witch Hazel (5' HT)	<i>Hamamelis Virginiana</i>	1
IO	American Holly (4' HT)	<i>Ilex Opaca</i>	2
QB	Swamp White Oak (2.5-3" CAL)	<i>Quercus Bicolor</i>	1
AR	Red Maple (8' HT)	<i>Acer rubrum</i>	2
<b>Shrubs</b>			
CL	Sweet Pepperbush (4' HT)	<i>Clethra alnifolia</i>	3
AI	Speckled Alder (4' HT)	<i>Alnus incana</i>	6
AR	Black Chokeberry (4' HT)	<i>Aronia melanocarpa</i>	2
CR	Grey Dogwood (4' HT)	<i>Cornus racemosa</i>	3
IG	Ink Berry (4' HT)	<i>Ilex glabra</i>	5
IV	Winterberry (3' HT)	<i>Ilex vericilatta</i>	5
SC	Elderberry (4' HT)	<i>Sambucus canadensis</i>	3
VA	Maple-leaf Viburnum (4' HT)	<i>Viburnum acerifolium</i>	1
VD	Arrowwood Viburnum (4' HT)	<i>Viburnum dentatum</i>	8
VL	Hobblebush (4' HT)	<i>Viburnum lantanoides</i>	5
CA	Silky Dogwood (4' HT)	<i>Cornus amomum</i>	8
<b>Perrenials</b>			
AI	Swamp Milkweed (1 Gal)	<i>Asclepias incarnata</i>	6
CP	Sedge (1 Gal)	<i>Carex Pensylvanica</i>	10
DC	Deer Tongue (1 Gal)	<i>Dichanthelium clandestinum</i>	10
ER	Riverbank Rye (1 Gal)	<i>Elymus Riparius</i>	20
MS	Ostrich Fern (1 Gal)	<i>Matteuccia Struthipteris</i>	5
OC	Cinnamon Fern (1 Gal)	<i>Osmundastrum Cinnamomeum</i>	5
SO	Golden Rod (1 Gal)	<i>Solidago Odora</i>	10



1165R Massachusetts Avenue - Arlington, MA  
(Map: 57, Parcel: 2 Lots: 10.B, 15.D)

Date: 8/11/2021


Feet

1 inch = 30 feet

GIS Data Source: "Office of Geographic Information (MassGIS), Commonwealth of Massachusetts, MassIT"

**GODDARD CONSULTING**  
Strategic Wetland Permitting LLC

**Appendix to Notice of Intent for 1165R Massachusetts Avenue:  
Supplemental Materials**

<u>Exhibit No.</u>	<u>Exhibit</u>
1	List of Waivers
2	Zoning Board of Appeals: Decision on Application for Comprehensive Permit G.L. c. 40B, §§ 20-23
3	Riverfront Exhibit
4	Proposed Exhibit Plan
5	Layout and Materials Plan
6	Planting Plan
7	Swale Planting Plan
8	Bridge Plan Elevation



TOWN OF ARLINGTON  
MASSACHUSETTS

CONSERVATION COMMISSION  
July 23, 2021

Zoning Board of Appeals  
Town of Arlington  
730 Massachusetts Avenue  
Arlington, MA 02476

**RE: 1165R Mass Ave – Application for Comprehensive Permit  
Fifth Set of Comments - Response to Updated Waiver Request List**

Dear Chairman Klein and Members of the Board:

The Arlington Conservation Commission (ACC) provides this fifth set of comments to the ZBA to consider the wetlands and stormwater components of the 1165R Mass Ave Comprehensive Permit Application. The Conservation Commission is providing this comment letter to assist the ZBA as it moves forward with its review of the permit application, including under the Town of Arlington Wetlands Protection Bylaw (the Bylaw) and local Wetlands Regulations, specifically in consideration of the Applicant's Waiver Requests. The ACC submitted a previous comment letter specifically about waiver requests, dated June 8, 2021. This letter addresses updated Waiver Requests as received from the Applicant on July 22, 2021.

**LIST OF WAIVERS**

<b><i>Bylaw Regulation</i></b>	<b><i>Requirement</i></b>	<b><i>Proposed</i></b>	<b><i>Waiver</i></b>	<b><i>ACC Comment</i></b>
Wetlands Regulations, §20C	Restriction on work on banks of Ryder Brook.	Work proposed on Ryder Brook.	Waiver requested.	ACC agrees with waiver, as long as a deed restriction is recorded for the property to protect the Bank of the relocated Ryder Brook.
Wetlands Regulations, §22	Performance regulations for land under water bodies and restrictions on work on land under water bodies and within 25' of such land.	Work proposed within Ryder Brook.	Waiver requested.	ACC agrees with waiver, as long as a deed restriction is recorded for the property to protect the Land Under the relocated Ryder Brook.

<b>Bylaw Regulation</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Waiver</b>	<b>ACC Comment</b>
Wetlands Regulations, §24	Restrictions on vegetation removal.	Some vegetation will be removed along the bank of Ryder Brook.	Waiver requested.	ACC recommends that Applicant withdraw this waiver. The project as proposed is in compliance with Section 24 because of the removal of invasives and the planting of native vegetation / enhancement of the resource area, elsewhere on the property. These 2 reasons meet Section 24.D.3 and 24.D.5, both of which allow the Commission to give approval for removal and replacement.
Wetlands Regulations, §25	No new buildings within the first 50' of the Adjacent Upland Resource Area unless approved in evaluating the existing total impervious surface on site.	New buildings are proposed within the first 50' of the Adjacent Upland Resource Area.	Waiver requested.	ACC recommends that this waiver be withdrawn because the project as proposed is in compliance with Section 25E (as well as 25C and 25D) because of the project's improvement to the resource area.
Wetlands Bylaw Title V, Article 8, §16 and Wetlands Regulations, §11	The Conservation Commission approved reducing the Bylaw permitting fee by 20%.	Permitting and Consulting Fee.	Waiver requested of 50% of these fees.	ACC approves a 20% reduction in fees. Applicant estimated fees to total \$15,000; therefore, 20% reduction would lower fees to \$12,000.
Wetlands Bylaw Title V, Article 8, §§10 and 11	Bond requirements.	Applicant does not propose to post any security.	Waiver requested.	ACC does not agree with this waiver. Given the proximity of the project to the onsite Resource Areas and the potential for the project to impact resource area values if proposed mitigation is not implemented as planned, the ACC agrees with BETA's recommendation to retain the right to require a performance bond, primarily related to the stream relocation portion of the Project.

ACC: 1165R Mass Ave 5<sup>th</sup> Comment Letter  
July 23, 2021

We hope the ZBA finds the above recommendations helpful in our common goal to protect the Wetland Resource Areas on this site while acknowledging the current site conditions. Please contact us should you have questions.

Very truly yours,

*Susan*

Susan Chapnick, Chair  
Arlington Conservation Commission

**TOWN OF ARLINGTON  
Zoning Board of Appeals  
730 Massachusetts Avenue  
Arlington, MA 02476**

**DECISION ON APPLICATION FOR COMPREHENSIVE PERMIT  
G.L. c. 40B, §§ 20-23**

APPLICANT: 1165 R Mass MA Property LLC (the “Applicant”)

PROPERTY: 1165R Massachusetts Avenue, Arlington, MA (the  
“Property”)

ASSESSORS’ MAP: Assessors Parcel 57-2-10.B

DEVELOPMENT NAME: \_\_\_\_\_

DATE: August 18, 2021

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**I. PROCEDURAL HISTORY**

1. An application for a Comprehensive Permit was received by the Town of Arlington Zoning Board of Appeals (“Board”) on or about December 1, 2020 (“Application”). The Application proposes the development of one hundred and thirty (130) units of rental housing with associated parking in four (4) structures located at the Property (the “Project”). The Applicant subsequently reduced the size of the Project to one hundred and twenty-four (124) units in three (3) structures.
2. The Board’s public hearing on the Application was duly opened on January 5, 2021, with the grant of an extension by the Applicant of the thirty (30) day deadline to open the public hearing. At its January 5, 2021 public hearing, the Board voted not to provide a notification to the Applicant pursuant to 760 CMR 56.03(8) that the Town met the 1.5% Land Area Minimum Safe Harbor.
3. The Project is located on the Property, which is located at 1165R Massachusetts Avenue, Arlington, Massachusetts. The Property is located on approximately 2.0 acres of land.
4. The Property is located in the Industrial (I) Zoning District. Nearby uses consist of Mirak Chevrolet parking lot to the north (at 1125 Massachusetts Avenue), and Lalicata Landscaping’s yard to the north (at 15 Ryder Street). To the south, the Property abuts the Mirak Hyundai car dealership (at 1165 Massachusetts

Avenue). To the east, the Property abuts the Mirak Chevrolet parking lot as well as Arlington Auto Detailing (1155R Massachusetts Avenue). To the west, the Property abuts the Robert J. Annese Law Office (1171 Massachusetts Avenue) and a condominium complex (located at 9 Ryder Street).

5. The Property consists of approximately 2.0 +/- acres. The Property currently contains six (6) existing structure on footprints comprising 25.7% of the Property. Additionally, the Property contains significant pavement, covering approximately 67.9% of the Property, for a current total impervious area of 93.6%.
6. The Applicant provided various materials, reports, studies, and revised plans throughout the course of the public hearing on the Application.
7. The Applicant proposes the construction of one hundred twenty-four (124) rental apartment units, of which thirty-one (31) units will be reserved as affordable units as determined by the Subsidizing Agency.
8. During the public hearing, the Applicant was assisted primarily by its counsel Mary O'Connor, Esq., of Krattenmaker, O'Connor & Ingber, P.C., its civil engineer, Randy Miron, P.E., of Bohler Engineering, its architect Joel Bargmann, AIA, of BH+A Architects, and its traffic engineer Bryan Zimolka, P.E., of Nitsch Engineering.
9. The Board utilized the services of its review engineers BETA Group, Inc., with Marta Nover, Laura Krause, Senior Environmental Scientist, Senior Associate William McGrath, P.E. handling civil engineering and wetlands peer review, and Greg Lucas, P.E., PTOE, for traffic. The Board also utilized the services of Town Counsel Douglas Heim, Esq., Director of Planning and Community Development Jennifer Raitt, Senior Planner Kelly Lynema, Environmental Planner and Conservation Agent Emily Sullivan, and other town staff. The Board was also represented during the course of the hearing by Paul Haverty, Esq., of Blatman, Bobrowski & Haverty, LLC as its Chapter 40B technical consultant through a grant from the Massachusetts Housing Partnership.
10. During the public hearing, there was significant public input. The Board heard input from abutters and other interested persons throughout the hearing process. The Board also heard significant input from town departments, including the Conservation Commission, the Department of Planning and Community Development, and the Transportation Advisory Committee.



## II. JURISDICTIONAL FINDINGS

11. The Applicant has demonstrated its eligibility to submit an application for a Comprehensive Permit to the Board, and the development fulfills the minimum project eligibility requirements set forth in 760 CMR 56.04(1) as follows:
  - a. The Applicant is a limited liability company, and has indicated in its application that it will conform to the limited dividend requirements of G. L. 40B, §§ 20-23, thus establishing it is a limited dividend entity. The Applicant has a principal address of 1 Office Square, Floor 26, Boston, MA 02109.
  - b. The Applicant has received a written determination of Project Eligibility from MassHousing dated November 17, 2020 under the New England Fund Program, a copy of which was provided to the Board with the original application.
  - c. The Applicant provided a copy of a letter from Julia Mirak Kew to Jessica Malcolm of MassHousing stating that a joint venture agreement formed by the Applicant was given authority to seek a comprehensive permit for the Property. The Subsidizing Agency determined that the Applicant has site control to pursue a comprehensive permit. Pursuant to 760 CMR 56.04(6), this determination is conclusive as to the issue of site control.
  - d. The Applicant has agreed to execute a Regulatory Agreement that limits its annual distributions in accordance with G. L. c. 40B and the regulations (760 CMR 56.00 et seq.) and guidelines adopted thereunder by DHCD.
12. The Town of Arlington (“Town”) did not meet the statutory minima set forth in G. L. c. 40B, § 20 or 760 CMR 56.03(3) to 56.03(7) at the time the original application was filed, except as noted below:
  - a. At the time of the filing of the Application, the number of low or moderate income housing units in the Town constituted 5.7% of the total year-round housing units in the Town, based on the most recent publicly available copy of the DHCD Subsidized Housing Inventory, dated December 21, 2020. Thus, the Town does not meet the ten percent (10%) statutory minimum.
  - b. In another pending comprehensive permit application, the Board has asserted a claim that there are existing affordable housing units that are on sites that comprise more than one and one half percent (1.5%) of the total

land area of the Town that is zoned for residential, commercial or industrial use (excluding land owned by the United States, the Commonwealth of Massachusetts, or any political subdivision thereof). The Board timely asserted this claim pursuant to 760 CMR 56.03(8). The Applicant in that pending comprehensive permit matter appealed this claim to the Department of Housing and Community Development, which issued a decision dated November 17, 2016, reversing the Board's Safe Harbor determination. The Board appealed this decision to the Housing Appeals Committee. On October 15, 2019, the Housing Appeals Committee upheld the decision of the Department of Housing and Community Development. Without waiving its rights on the other pending application, the Board has chosen not to assert a 1.5% claim in this matter.

- c. The granting of this Comprehensive Permit will not result in the commencement of construction of low or moderate income housing units on a site comprising more than three tenths of one percent of land area in the Town or ten acres, whichever is larger, zoned for residential, commercial or industrial uses (excluding land owned by the United States, the Commonwealth of Massachusetts or any political subdivision thereof) in any one calendar year.
- d. The Town has an approved Housing Production Plan pursuant to 760 CMR 56.03(4), but is not currently within (or eligible for) certification.
- e. The Town has not achieved recent progress toward its housing unit minimum pursuant to 760 CMR 56.03(5).
- f. The Project as originally submitted does not constitute a Large Project pursuant to 760 CMR 56.03(6).
- g. The Applicant's Comprehensive Permit Application does not constitute a Related Application pursuant to 760 CMR 56.03(7).

### III. FACTUAL FINDINGS

#### Location of Project

- 13. The Project is located on a previously developed 2.0 acre parcel of land located off Massachusetts Avenue in close proximity to Ryder Street. Mill Brook and Ryder Brook flow through the Property. The Property is located within the Industrial (I) Zoning District.

14. In addition to being located next to various commercial uses, the Project also abuts a residential condominium complex at 9 Ryder Street.

Wetlands

15. The Applicant proposes the relocation of Ryder Brook, an intermittent stream that is not jurisdictional as a stream under the Wetlands Protection Act (the “WPA”), but which is jurisdictional as an intermittent stream under the Arlington Wetlands Bylaw and Regulations.
16. The Property contains several additional resource areas under both the Wetlands Protection Act and/or the Arlington Wetlands Bylaw and Regulations. These resource areas include:
- Bank to Mill Brook (Perennial Stream)
  - Bank to Ryder Brook (Intermittent Stream, local bylaw)
  - Land Under Waterbodies – Mill Brook
  - Land Under Waterbodies – Ryder Brook (local bylaw only)
  - Bordering Land Subject to Flooding associated with Mill Brook
  - 200-foot Riverfront Area – Mill Brook
  - 100-foot Adjacent Upland Resource Area – Mill Brook (local bylaw only)
  - 100-foot Adjacent Upland Resource Areas – Ryder Brook (local bylaw only)
  - 100-foot Buffer Zone to on-site Areas Subject to Protection (WPA and local bylaw)
17. The Project, as proposed, does not require any impacts to the FEMA Floodway or 100-Year FEMA Floodplain.
18. The Arlington Conservation Commission provided a determination that a significant portion of the Property is exempt from the riverfront standards (under both the WPA and local bylaw) due to the Historic Mill Complex exemption, as set forth on the plan entitled “Pre-1946 Mill Complex Footprint Exhibit” prepared by Bohler Engineering and dated August 7, 2020, revised September 21, 2020.
19. The Project will be required to obtain an Order of Conditions from the Arlington Conservation Commission pursuant to the Wetlands Protection Act. The Project’s applicability under the Arlington Wetland Protection Bylaw has been substantially incorporated into this present Comprehensive Permit, and a separate permit under the Bylaw does not need to be issued by the Arlington Conservation Commission.
20. The Property currently contains 4,135 square feet of pervious surface within the

AURA. The Project, by the elimination of existing impervious surfaces, will increase the pervious area within the AURA to 11,450 square feet, an increase in pervious area of 7,315 square feet. This increase in pervious area within the AURA is a net benefit to the wetlands.

21. The Property currently contains 3,416 square feet of pervious area within the 200-foot riverfront area. The Project is proposed to increase the pervious area within the 200-foot riverfront area to 8,758 square feet, an increase of 5,342 square feet. This increase in pervious area results in a net benefit to the riverfront area.
22. The Project is in compliance with Section 25E of the Arlington Regulations for Wetlands Protection because the plan will result in a decrease in total impervious surface within the first 50 feet of the AURA, which is considered an enhancement of the resource area.
23. The Project is in compliance with Section 25F (1 and 2) of the Arlington Regulations for Wetlands Protection because the Project results in a decrease in total impervious surface within the AURA and there will be an enhancement of the Resource Area values. In addition, the Project significantly decreases the total impervious area onsite, and plantings are proposed throughout the development.
24. The proposed plan for relocating Ryder Brook provides enhanced resource area functions to the site, including habitat value, pollution prevention, storm damage prevention, and flood control. The existing Ryder Brook is approximately 120 linear feet long, and the proposed relocated Ryder Brook is approximately 200 linear feet long. The existing Ryder Brook has approximately 250 linear feet of Bank and 816 square feet of Land Under Water. The proposed relocated Ryder Brook has approximately 363 linear feet of Bank and 1880 square feet of Land Under Water. Ryder Brook currently contains mostly non-native plants. The proposed planting plan for Ryder Brook contains all native plants and coir fascine for natural erosion control and bank stabilization.
25. The Project is in compliance with Section 25D of the Arlington Regulations for Wetlands Protection because the Project proposes mitigation to increase the pervious area within the 0'-25' AURA, which is considered an enhancement of the resource area.
26. The Applicant submitted an alternatives analysis prepared by Bohler Engineering, in compliance with Section 25C of the Arlington Regulations for Wetlands Protection.
27. The Project will provide vegetative mitigation and resource area improvements, including improvements to habitat value, pollution prevention, storm damage

prevention, and flood control along the relocated Ryder Brook and Mill Brook, all in compliance with Section 4(b) of the Arlington Regulations for Wetlands Protection as shown on the Approved Plans.

28. The Applicant utilized NOAA 14+ data for the stormwater management calculations, consistent with current best practices. A stormwater report dated April 1, 2021 was submitted to the Board in response to comments provided by BETA Group.

The Transportation Network

29. Primary automobile access to the Project will be from Massachusetts Avenue. Secondary access to Ryder Street will be exit only for automobiles.
30. The Project will provide one hundred twenty-eight (128) parking spaces, consisting of one hundred ten (110) garage parking spaces and eighteen (18) surface parking spaces. The Applicant has contracted with Workbar for the use of forty (40) parking spaces on weekdays, and ten (10) parking spaces overnight and weekends.
31. The Project will provide one hundred fourteen (114) bicycle parking spots, which will include upper level stacked spaces.

Civil Engineering, Site Design, and Stormwater Impact

32. The Board engaged in review of potential civil engineering, site design, traffic, stormwater and floodplain impacts of the Project.
33. The Project will connect to the Arlington municipal water and sewer systems.
34. Approximately 93.6% of the site is currently covered by impervious surface. The Project will reduce the amount of the site covered by impervious surface to 77.5% of the Property. The Board finds that reduction in the total amount of impervious surface is a benefit to the Property.
35. Stormwater management has been designed to be in compliance with the Mass Stormwater management standards in accordance with 310 CMR 10.05(6)(k) and defined in detail in the MassDEP Stormwater Management Handbook. The system incorporates best management practices (BMP's) to facilitate total suspended solids (TSS) removal and provides a net reduction in post-development runoff peak rates and volumes.

General

36. The Project, as conditioned herein, will address the lack of affordable rental units in the Town.
37. The Board finds that the conditions imposed in Section IV of this Decision are necessary in order to address Local Concerns. The Board finds that such conditions will not render the project uneconomic. To the extent that such conditions may render the project uneconomic (as defined in 760 CMR 56.02), the Board finds that the Local Concerns outweigh the potential benefits of the proposed affordable units.
38. The Board finds that granting certain waivers from local by-laws and regulations is acceptable even though granting waivers may have an adverse impact on Local Concerns.
39. The Board acknowledges concerns raised by abutters and other interested parties about the Project's potential incompatibility with residential uses along Ryder Street and Beck Road, particularly relating to traffic and parking impacts. The Board has addressed these concerns by the imposition of appropriate conditions. The Board further finds that conditions detailed below appropriately address these matters of local concern in a manner that outweighs the regional need for affordable housing. The Board finds that the conditions imposed below address local and regional housing needs while properly protecting valid issues of local concern.
40. The Board finds that the construction of the Project, as conditioned, will be consistent with local needs.

IV. CONDITIONS

**A. General**

- A.1 The holder of this Comprehensive Permit is 1165R Mass MA Property LLC. The Property is defined as the property located at 1165R Massachusetts Avenue, Arlington, Massachusetts, shown on a plan entitled "ALTA/NSPS Land Title Survey, 1165R Mass MA Property, LLC" prepared by Control Point Associates, Inc. and dated July 16, 2020, with revisions through February 8, 2021. The Project is defined as all features shown on the plans listed below in Condition A.2 or as otherwise required by this Comprehensive Permit.
- A.2 Except as may be provided for in the following Conditions or in the Final Plans referenced below, the Project shall be constructed substantially in conformance

with the plans and drawings listed below in this Condition A.2, which for purposes of this Comprehensive Permit shall be considered the Approved Plans for the Project (“Approved Plans”). Minor changes to the Approved Plans (e.g., changes that do not materially affect the location of, or increase the height or massing of the structures, or increase the number of units contained in the residential buildings) shall be submitted to the Director of Planning and Community Development who shall have the authority to approve such changes as immaterial changes. If the Director of Planning and Community Development determines that the proposed changes do not conform to the requirements of this Comprehensive Permit, they shall so notify the Applicant and the Applicant shall either bring the plans into conformance with this Decision or seek modification in accordance with 760 CMR 56.05(11). The Approved Plans consist of the following plan set from Control Point Associates, Inc., and Bohler Engineering:

“ALTA/NSPS Land Title Survey, 1165R Mass MA Property, LLC” dated July 16, 2020, with revisions through February 8,, 2021, and consisting of the following sheets:

Sheet 1 of 4 “ALTA Survey (existing conditions plan)”. The current site includes the WorkBar site prior to the subdivision intended by the Applicant.  
Sheet 2 of 4 “ALTA Survey (flood zone plan)”  
Sheet 3 of 4 “ALTA Survey (easement plan)”  
Sheet 4 of 4 “ALTA Survey Notes”

“Proposed Site Plan Documents for Spaulding and Slye Investments, 1165-1167 Massachusetts Avenue” prepared by Bohler Engineering and dated June 15, 2020, with revisions as indicated below, consisting of the following sheets:

C301 Site Layout Plan, revised June 11, 2021  
C401 Grading and Drainage Plan, revised May 26, 2021

Architectural details contained in the plans entitled “Redevelopment of 1165R Massachusetts Avenue”, prepared by Bargmann, Hendrie and Archetype, Inc., Title Sheet dated June 18, 2020, as noted below, consisting of the following sheets:

ZBA SECTION NO.	SHEET/ DWG NO.	TITLE	DATE	REVISED FOR FINAL APPROVAL
3.2.7	A000	Title Sheet	June 18, 2020	April 6, 2021
3.2.7	L101	Landscape Plan	June 16, 2020	May 27, 2021
3.2.7	L102	Planting Plan	-	May 27, 2021
3.2.7	A001	3D Views	June 18, 2020	April 6, 2021
3.2.7	A002	Site Plan	June 16, 2020	April 6, 2021
3.2.7	A003	Overall Floor Plans	June 16, 2020	May 28, 2021
3.2.7	A004	Building #1, #3, #4 First Floor Plan	June 16, 2020	April 6, 2021
3.2.7	A005	Building #1, #4 Second Floor Plan	June 16, 2020	April 6, 2021
3.2.7	A006	Building #1, #4 Third Floor Plan	June 16, 2020	April 6, 2021
3.2.7	A007	Building #1, #4 Fourth Floor Plan	June 16, 2020	April 6, 2021
3.2.7	A008	Building #4 Fifth & Sixth Floor Plans	June 16, 2020	April 6, 2021
3.2.7	A009	Building #4 Roof Plan	June 16, 2020	April 6, 2021
3.2.7	A010	Building #2 Floor Plans	June 16, 2020	April 6, 2021
3.2.7	A011	Typical Unit Plans	June 16, 2020	April 6, 2021
3.2.7	A012	Building #1, #4 Elevations	June 16, 2020	April 6, 2021
3.2.7	A013	Building #2 Elevations	June 16, 2020	April 6, 2021
3.2.7	A014	Building Sections & Building #3 Elevations	June 16, 2020	April 6, 2021

Lighting details are contained in the plan entitled “Proposed Site Plan Documents for 1165R Mass MA Property, LLC” prepared by Bohler Engineering and dated October 5, 2020, with revisions through May 26, 2021, and consisting of the following sheet:

C-701            Lighting Plan

Utility details are contained in the plan entitled “Proposed Site Plan Documents for 1165R Mass MA Property, LLC” prepared by Bohler Engineering and dated July 15, 2020, with revisions through May 26, 2021, and consisting of the following sheet:

C-501            Utility Plan

A.2.1        In addition to the above Civil Plans, the following shall be included as part of the Final Plans, submitted to the Board in a letter from Bohler Engineering, dated May 14, 2021, in response to BETA Engineering comments:



SHEET/ DWG NO.	TITLE	DATE
C-100	Cover Sheet	5/13/2021
C-101	General Notes Sheet	5/13/2021
C-201	Demolition Plan	5/13/2021
C-601	Soil Erosion & Sediment Control Plan	5/13/2021
C-602	Erosion and Sediment Control Notes and Details	5/13/2021
C-901	Detail Sheet	5/13/2021
C-902	Detail Sheet	5/13/2021
C-903	Detail Sheet	5/13/2021

- A.2.2 In addition to the above-referenced plans, the following shall be included as part of the Final Plans submitted to the Arlington Conservation Commission and Board:


- A.3 The Applicant shall be a Limited Dividend Entity as required by Chapter 40B and its successors and assigns shall comply with the limited dividend and other applicable requirements of Chapter 40B and the regulations adopted thereunder.
- A.4 The Project shall consist of not more than one hundred twenty-four (124) twenty-four (124) rental apartment units, located in three (3) residential structures, and other related residential amenities, all as shown on the Approved Plans. The Project shall consist of no more than one hundred seventy-eight (178) bedrooms.
- A.5 There shall be one hundred and twenty-eight (128) vehicle parking spaces (inclusive of required handicap spaces).

- A.6 Pursuant to the revised Waiver List submitted to the Board and attached hereto as Exhibit A, the Applicant has requested, and the Board has granted, those waivers from the Arlington Zoning Bylaw and other local by-laws and regulations as specified therein. No waivers are granted from requirements that are beyond the purview of G.L. c. 40B, §§ 20-23. No waiver of permit or inspection fees has been granted, with the exception of a waiver in Conservation Commission fees from \$15,000 to \$12,000. Any subsequent revision to the Approved Plans, including but not limited to revisions in the Final Plans, referenced below, that requires additional or more expansive waivers of any local by-laws or regulations, must be approved by the Board in accordance with 760 CMR 56.05(11).
- A.7 Except as otherwise specifically provided herein, where this Decision provides for the submission of plans or other documents for approval by the Director of Planning and Community Development or other Town Departments, the Director of Planning and Community Development or applicable Department Head will use reasonable efforts to review and provide a written response within thirty (30) days following submission. For submissions that require assistance from an outside consultant, as determined by the Director of Planning and Community Development or applicable Department Head, the thirty-day time period shall not begin until the consultant's fee has been fully funded by the Applicant. Should thirty (30) days elapse without a response as aforesaid, said plans or documents shall be deemed approved.
- A.8 This Comprehensive Permit may be subsequently assigned or transferred pursuant to 760 CMR 56.05(12)(b). The pledging of the Property as security under any conventional loan financing terms as set forth in the financing entity's Loan Documents or any foreclosure sale pursuant to the same shall not constitute an assignment or transfer under this paragraph.
- A.9 The provisions of this Comprehensive Permit Decision and Conditions shall be binding upon the successors and assigns of the Applicant, and the obligations shall run with the land. In the event that the Applicant sells, transfers, or assigns its interest in the development, this Comprehensive Permit shall be binding upon the purchaser, transferee, or assignee and any successor purchasers, transferees or assignees. The applicable limited dividend restrictions shall apply to the owner of the project regardless of sale, transfer, or assignment of the project.

- A.10 The sidewalks, driveways, roads, utilities, drainage systems, and all other on-site infrastructure shown on the Approved Plans as serving the Project shall remain private in perpetuity, and the Town shall not have, now or in the future, any legal responsibility for the operation or maintenance of the infrastructure, including but not limited to snow removal, landscape maintenance, and hydrant maintenance. In this regard, the proposed site access ways within the Project shall not be dedicated to or accepted by the Town.
- A.11 Unless otherwise indicated herein, the Board may designate an agent to review and approve matters on the Board's behalf subsequent to this Decision.

**B. Affordability**

- B.1 Except as may otherwise be allowed by the Subsidizing Agency MassHousing or other Subsidizing Agency, pursuant to the applicable subsidy program, a minimum of twenty-five percent (25%) or thirty-one (31) units of the rental units shall be reserved for income-eligible households, meaning that they shall be rented to and occupied by households, as proposed by the Applicant, whose income (adjusted for household size) is not more than eighty percent (80%) of the Area Median Income ("AMI"), as determined by the United States Department of Housing and Urban Development ("HUD") and the Subsidizing Agency (the "Affordable Units"). Affordable Units shall, upon initial designation, be dispersed throughout the Project in accordance with the guidelines of the Subsidizing Agency, except for fluctuations based on changes of household eligibility income allowed by the Regulatory Agreement. The Applicant shall be responsible for maintaining records sufficient to comply with the Subsidizing Agency guidelines for the location of Affordable Units in the Project and occupancy of such Affordable Units by income-eligible households. As will be set forth more fully in the Regulatory Agreement, the location of the affordable units may change in the event that the income of a household occupying an affordable unit increases beyond allowable program limits. The Board acknowledges that affordable unit location is an issue within the exclusive jurisdiction of the Subsidizing Agency.
- B.2 All of the Project's Affordable Units shall be restricted for rental to households earning no more than the maximum allowable household income, adjusted for household size, as determined by MassHousing or any substitute Subsidizing Agency. The Affordable Units shall be maintained as affordable in perpetuity, which for the purposes of this Decision shall mean for so long as the Property does not comply with applicable zoning and other local requirements without the benefit of this Comprehensive Permit.

- B.3 The Applicant shall obtain approval by the Subsidizing Agency of an Affirmative Fair Housing Marketing Plan (“AFHMP”) prior to the rental of any Affordable Units, and shall ensure that the Project complies with the Subsidizing Agency’s Fair Housing requirements.
- B.4 For the initial rent-up of the Project, the Board considered imposing a local preference requirement for the affordable units, but after discussion determined that the imposition of such local preference requirement would not be appropriate. Accordingly, the Board has made the affirmative determination that no local preference shall be applicable. A lottery shall be established in a form approved by the Subsidizing Agency and/or the Project’s Monitoring Agent to effectuate this local preference, with an approved secondary lottery for all other Applicants. The Applicant shall assist the Department of Planning and Community Development in the submittal of any evidence required by the Subsidizing Agency to support this local preference requirement. The Board acknowledges that it will be required to provide evidence satisfactory to the Subsidizing Agency of the need for the foregoing local preference and to obtain approval of the categories of persons qualifying for the same, and in no event shall the Applicant be in violation of the terms of this Comprehensive Permit to the extent the Subsidizing Agency disapproves the local preference requirement or any aspect thereof. The Applicant shall provide reasonable and timely assistance to the Department of Planning and Community Development in providing this evidence. If the Board or its designee does not provide such information within sixty (60) days of a written request by the Applicant, its Lottery Agent, the Subsidizing Agency, then this condition shall be void unless the Applicant has failed to provide reasonable and timely assistance as described above.

**C. Submission Requirements**

- C.1 Prior to any construction or site development activities (including site clearing, tree removal, grading, etc.) on the Property, whether or not pursuant to a building permit (except as allowed by the Director of Planning and Community Development, as noted below), the Applicant shall:
- a. Deliver to the Board a check in a reasonable amount determined by the Director of Planning and Community Development to be used for staff to retain outside experts, if necessary, for technical reviews and inspections required under these conditions but at inception shall not exceed \$6,500 unless an alternate amount has been agreed upon by the Board and the Applicant. Said funds shall be deposited by the Board in an account pursuant to G. L. c. 44, § 53G and shall only be used for technical reviews and inspections associated with this Project. Any unspent funds shall be returned to the Applicant with accrued interest at the completion of the

project. If at any time the Board reasonably determines that there are insufficient funds to cover the costs of technical reviews, it shall inform the Applicant and the Applicant shall forthwith deliver additional funds as specified by the Board in a reasonable amount as may be determined by the Board. Provided, however, the additional funds required for the above-referenced technical reviews and inspections shall not exceed \_\_\_\_\_. Said funds may be used by the Board to hire civil engineering, traffic engineering, and/or other professionals that the Board deems reasonably necessary to ensure compliance with the conditions hereof.

- b. Obtain and file a copy of a National Pollution Discharge Elimination System (NPDES) Permit from the U.S. Environmental Protection Agency (EPA), if necessary. The Board shall also be provided a copy of the Stormwater Pollution Prevention Plan (SWPPP) submitted along with the NPDES filing.
- c. Submit to the Board for review and administrative approval Final Engineering Drawings and Plans ("Final Plans"), such approval to be that the plans conform to the requirements of this Comprehensive Permit and incorporate the relevant conditions herein. The Final Plans shall also incorporate all relevant conditions and requirements of permitting agencies having jurisdiction. Applicable sheets of the Final Plans shall be signed and sealed by the Professional Land Surveyor of record, the Professional (Civil) Engineer of record, and a Registered Landscape Architect. Final Architectural Plans shall be stamped by a Registered Architect. The Final Plans shall be submitted to the Board at thirty (30) days prior to the anticipated date of commencement of building construction or submission of an application for building permits, whichever is earlier (the "Final Site Plan Submission Date"). The plans should reflect changes to surface parking, proposed grading, stormwater systems, the stream channel cross section, erosion and sedimentation control (particularly around the relocated Ryder Brook), and other relevant site features.
- d. Submit to the Board for its administrative approval, a landscaping plan with the Final Plans, signed and sealed by a Registered Landscape Architect, depicting the following:
  - i. Overall planting plan that includes a demarcation of clearing and the limits of work;

- ii. Planting plans for drives showing shade trees and lighting fixture locations;
- iii. Planting plan for relocated Ryder Brook;
- iv. Planting plan for areas along Mill Brook;
- v. Plans of walkways in open space and recreation areas, if any;
- vi. Prototype planting plans for each building;
- vii. Prototype screening plans for dumpsters, depicting plantings and fencing;
- viii. Planting schedules listing the quantity, size, height, caliper, species, variety, and form of trees, shrubs, and groundcovers;
- ix. Tree protection and preservation plans
- x. Construction fencing along abutting property lines; and
- xi. Construction details.

All plantings shall consist of native, non-invasive species, pursuant to the plans reviewed and approved by the Conservation Commission. Plantings installed along drives and walkways shall also be salt-tolerant. All plantings installed onsite shall be monitored for three years after completion of plantings. A survival rate of 80% must be achieved at the end of the third monitoring year. If 80% survival is not achieved then replacement plants shall be planted. The contract with the Management Company shall address ongoing maintenance of landscaping features.

- e. Submit to the Director of Planning and Community Development a construction mitigation plan including, but not limited to, dust control measures, fill delivery schedules, stockpiling areas, and like matters. Other than site work and such other work as may be authorized in writing by the Director of Planning and Community Development, no other construction of units shall commence and no building permits shall be issued under this Comprehensive Permit until the Director of Planning and Community Development and other applicable staff has approved the Final Plans as being in conformance with this Decision. If no written response or comments have been given to the Applicant by the Building Commissioner and/or Director of Planning and Community Development

concerning the Final Site Plans within thirty (30) days after the Final Site Plan Submission Date, the Final Plans, as delivered, will be deemed to have been approved.

- f. The Applicant shall include on the Final Plans all of the various changes that have occurred during the hearing process. These plans should reflect site plan changes including but not limited to surface parking, proposed grading, stormwater systems, garage elevation, and other relevant site features.
- g. The Applicant shall submit a revised final Stormwater Report including Operations and Maintenance Plan documenting the various changes in the design that have occurred during the review process.
- h. The Final Plans shall show designated snow storage areas. All designated snow areas shall be outside of wetland resource areas.
- i. The Applicant must provide notification to the Arlington Assessor's Office for address and unit numbering.

C.2 Prior to the issuance of any building permits, the Applicant shall:

- a. Record this Comprehensive Permit and the Subdivision Plan endorsed by the Board with the Middlesex South Registry of Deeds, at the Applicant's expense, and provide proof of such recording with the Board.
- b. Submit to the Board and the Director of Planning and Community Development evidence of Final Approval from the Subsidizing Agency (DHCD), as required by the Project Eligibility letter and the Chapter 40B regulations.
- c. Submit to the Board a copy of the Regulatory Agreement and Monitoring Services Agreement for the Project. Execution and recording of such Regulatory Agreement with DHCD shall be complete prior to the issuance of any building permit. It is understood and agreed that Monitoring provisions may be included with the Regulatory Agreement, in lieu of a separate Monitoring Services Agreement.
- d. Submit to the Building Commissioner final Architectural Plans prepared, signed and sealed by an architect with a valid registration in the Commonwealth of Massachusetts ("Architectural Plans"). The Architectural Plans shall be submitted in such form as the Building Commissioner may request pursuant to the State Building Code.

- e. An automatic sprinkler system conforming with NFPA 13 and a fire alarm system conforming to NFPA 72 shall be required in all residential buildings. Both systems shall be monitored by a UL approved central station monitoring service.
- f. Obtain and file with the Building Commissioner a copy of all required Federal, State, and local permits and approvals required to begin construction of the Project.
- g. Obtain all necessary building, electrical, plumbing, and associated permits required to begin construction of the Project required by state law (it is understood that compliance with this requirement is part of the building permit process, rather than required prior to the issuance of building permits).
- h. The Applicant will be responsible for all applicable sewer permit, capacity impacts and privilege fees, as applicable. Notwithstanding anything contained herein, the Applicant shall not be responsible to pay for inflow and infiltration fees.
- i. The Applicant will be responsible for all applicable water and sewer system fees as per officially promulgated fee schedules uniformly applicable to all other Town of Arlington projects. Notwithstanding anything contained herein, the Applicant shall not be responsible to pay for inflow and infiltration fees.
- j. The Applicant shall provide to the Board a copy of the “Approval Not Required” plan endorsed by the building inspector. For purposes of the building inspector determining that the lot on which the Project will be constructed and used in granting the dimensional waivers in this approval, the Board determines that the lot will conform to the dimensional criteria of the Zoning Bylaw.

**D. Construction Completion/Certificate of Occupancy**

- D.1 Prior to issuance of a certificate of occupancy for any structure in the Project, the Applicant shall:
- a. Submit engineer’s interim certification of compliance with utilities plan and profiles for such Phase (as applicable) to the Building Commissioner.



- b. Provide a letter to the Board, signed by the Applicant's engineer, certifying that the structure and supporting infrastructure has been constructed in compliance with the Final Plans in all material respects.
  - c. Obtain acceptance from the Arlington Fire Department of testing of all fire protection systems, fire alarm systems, fire sprinkler systems, and local smoke alarms within the dwelling units of the structure.
  - d. Obtain a sewer connection sign-off from the Arlington Department of Public Works for the structure.
- D.2 Prior to issuance of the certificate of occupancy for the Project, the Applicant shall:
- a. Submit to the Board, in digital file format and full-size paper copies, a final as-built plan including profiles, showing actual-in ground installation of all applicable utilities, rim and invert elevations, roadway, sidewalk and associated construction. The file format shall be in AutoCAD file delivery shall be in full model view and individual sheet views. The digital file shall include property boundaries, dimensions, easements, rights-of-way, edge of pavement, edge of sidewalk, edge of water bodies, wetland boundaries, topographic contours, spot elevations, parking areas, road centerline and associated text. Said digital data shall be delivered in the Massachusetts State Plane Coordinate System, North American Datum 1983 and North American Vertical Datum 1988, in U.S. Survey Feet.
  - b. The Applicant shall provide to the Board evidence of a property management plan (if property management will be done in-house), or shall provide a copy of a contract with a Management Company if property management will be conducted by a third-party. The Applicant shall submit to the Board all information relating to the issues of building security, public access, pet policy, staffing, trash removal, vegetation management, and smoking policies, and other issues addressed in the conditions herein.

## **E. Project Design and Construction**

- E.1 Prior to the commencement of any work on the Property, the Applicant and the site general contractor shall attend a preconstruction conference with representatives from the Arlington Fire Department, the Department of Public Works (Arlington Water and Sewer Division and Engineering Division), Planning and Community Development and other Town staff and consultants as may be determined. The Applicant and the site general contractor shall host a meeting

open to all members of the public to review the construction schedule, hours, policies, procedures, and other neighborhood impacts at least fourteen (14) days prior to the start of construction.

- E.2 Prior to the pre-construction conference, the Applicant shall submit a Construction Management Plan (“CMP”) for administrative approval by the Board. The CMP shall provide documentation of various construction related activities, including:
1. A Project Description and outline of primary construction tasks,
  2. A Project Schedule including hours of operation, duration of primary construction tasks and estimated completion date,
  3. Project logistics, including staging areas, truck routes, laydown areas, contractor parking, and construction traffic management,
  4. Site Management including noise mitigation, dust control and security,
  5. Public Safety and Coordination, including contact information and site inspections.
  6. Coordination with the Town to provide advance email or website information regarding construction activities for public information.
- E.2 The Applicant shall permit representatives of the Board to observe and inspect the Property and construction progress until such time as the Project has been completed and the final occupancy permit issued.
- E.3 The proposed construction shall be in accordance with applicable Federal and State laws, rules and regulations.
- E.4 All site retaining walls four (4) feet or greater in height, where indicated in the Approved Plans, shall be designed by a Massachusetts Professional Structural Engineer.
- E.5 During construction, the Applicant shall conform to all local, State, and Federal laws and provide advance notice to abutters per the Town’s Residential Construction Control Agreement regarding noise, vibration, dust, and blocking of Town roads in order to accommodate delivery of materials to the site or for other construction staging purposes. The Applicant shall at all times use all reasonable means to minimize inconvenience to residents in the general area. Adequate provisions shall be made by the Applicant to control and minimize dust on the site during construction in accordance with the construction mitigation plan. The Applicant shall keep all portions of any public way used as access/egress to the Project free of soil, mud or debris deposited due to use by construction vehicles associated with the Project.

- E.6 Appropriate signage shall be shown on the Final Plans, consistent with the sign information shown on the Approved Plans. A temporary sign including the name and address of the project and contact information for the Applicant, general contractor, engineers, architect, and other relevant parties shall be posted on site for the duration of construction operations. The applicant shall work with the Arlington Open Space Committee and Arlington Historical Commission on the development of interpretive signage as per bh+a Landscape Plan dated June 16, 2020.
- E.7 The location of all utilities, including but not limited to electric, telephone, and cable, shall be shown on the Final Plans. All transformers and other electric and telecommunication system components shall be included on the Final Plans.
- E.8 The Applicant shall install lighting on the site that conforms to the Town of Arlington's Zoning Bylaw and Town Bylaw. Lighting shall be down-lit/shielded to prevent light spillover onto surrounding properties and comply with dark sky requirements. Management of outdoor lighting shall be the responsibility of the Applicant.
- E.9 Utilities, including but not limited to telephone, electric, and cable, shall be located underground, as shown on the Approved Plans. The contract with the Property Management Company shall note that no satellite dishes shall be allowed. The general contractor shall be responsible for coordinating all subsurface work with Dig Safe prior to the commencement of any excavation.
- E.10 Soil material used as backfill for pipes, access drives, or structures shall be certified by the Geotechnical Engineer to the Building Commissioner as meeting design specifications, as applicable.
- E.11 Construction activities shall be conducted between the hours of 8:00 a.m. and 6:00 p.m., Monday through Friday and between the hours of 9:00 a.m. and 5:00 p.m. on Saturdays, Sundays, or legal holidays. For purposes of this condition, construction activities shall be defined as: start-up of equipment or machinery, delivery of building materials and supplies; delivery or removal of equipment or machinery; removal of trees; grubbing; clearing; grading; filling; excavating; import or export of earth materials; installation of utilities both on and off the site; removal of stumps and debris; loading of construction dumpsters and erection of new structures. All off-site utility work shall be coordinated and approved by the Building Department and shall not be subject to the timing restrictions set forth above. Parking of all vehicles and equipment must be on the Property during construction.

- E.12 Burning or burial of construction or demolition debris on the site is strictly prohibited. All such materials are to be removed from the site in accordance with applicable law. During construction, the site shall be secured against unauthorized entry or vandalism by fencing, or other appropriate means, and all construction materials shall be stored or stockpiled in a safe manner. Any floodlights used during the construction period shall be located and directed so as to prevent spillover or illumination onto adjacent properties. All construction activities are to be conducted in a workmanlike manner.
- E.13 No building areas shall be left in an open, unstabilized condition longer than sixty (60) days. Temporary stabilization shall be accomplished by hay bales, hay coverings or matting. Final stabilization shall be accomplished by loaming and seeding exposed areas.
- E.14 All dumpsters serving the Project shall be enclosed and covered (with the exception of construction dumpsters used during construction). The Board shall review the dumpster location as part of the approval of the Final Plans if different from what has been shown on the Approved Plans.
- E.15 All retaining walls visible from a public way or direct abutters, as determined by the Building Commissioner based upon the time of year when such walls would be most visible, shall be constructed in an aesthetic manner. Specifically, retaining walls shall avoid the use of exposed concrete to the greatest extent practicable.
- E.16 Snow shall be stored within the areas of the Property designated on the Approved Plans. To the extent snowfall exceeds the capacity of the designated snow storage areas, the Applicant shall truck the excess snow off-site. Snow may not be placed in or adjacent to resource areas.
- E.17 The Applicant shall comply with all applicable local, state and federal requirements relating to noise from construction activities, including the regulations contained at 310 CMR 7.10 and the DEP's Noise Policy contained in DAQC Policy 90-001 as well as the Arlington Noise Abatement Bylaw contained at Title V, Section 12. The Applicant shall also implement all necessary controls to ensure that vibration from construction activities does not constitute a nuisance or hazard beyond the Property. Upon notification from appropriate municipal officials, the Applicant shall cease all construction activities creating noise in excess of state and federal standards, and shall implement such mitigation measures as is necessary to ensure the construction activity will comply with applicable State and Federal requirements.

- E.18 The Applicant is responsible for the sweeping, removal of snow and sanding of the internal roadways and driveways providing access to both the residents of the Project and emergency vehicles. Neither snow nor sand may be placed in or adjacent to resource areas.
- E.19 The Applicant shall maintain all portions of any public road, whether state or local roads, used for access to the Property by construction vehicles, free from soil, mud or debris deposited due to such use during the duration of construction.
- E.20 The Applicant shall comply with DPW requirements regarding curb-cut permits.
- E.21 To the extent earth removal is necessary, the Applicant shall submit an earth removal plan, showing all necessary cuts and fills, and describing the appropriate number of truck trips necessary for the earth removal. A copy of the plan will be kept on file at the jobsite.
- E.22 All catch-basins shall have oil/water separators as shown on the Approved Plans.
- E.23 Project sidewalks and pathways/walkways shall be compliant with the requirements of the Americans with Disabilities Act (“ADA”) and the requirements of the Massachusetts Architectural Access Board (“AAB”).
- E.24 This Comprehensive Permit shall be a master permit which is issued in lieu of all other local permits or approvals that would otherwise be required, except for the issuance of Building Permits and Certificates of Occupancy by the Building Department under the State Building Code; provided, however, the Applicant shall pay all local fees for such permits or approvals as published in the Town regulations or bylaws, including but not limited to building permits, inspections, water and sewer connections, and curb cuts, specifically excluding inflow and infiltration fees.
- E.25 Ryder Street shall not be used for construction deliveries between the hours of 7:30 AM to 8:30 AM and 3:00 PM to 4:00 PM on school days as provided in the letter from Krattenmaker, O’Conner & Ingber, PC to Christian Klein, Chairperson dated June 8, 2021. The hours set forth in this condition may be modified by the Senior Transportation Planner in consultation with the Construction Manager to address concerns relating to pedestrian safety.
- E.26 The Applicant shall perform a preconstruction and post construction survey of adjacent properties on Ryder Street and the Massachusetts Avenue right of way including photographs and/or video.

- E.27 The Applicant shall monitor vibrations in the vicinity of the properties adjacent to Ryder Street throughout the course of construction. The Applicant shall submit a plan/proposal for review by the Board for the monitoring of vibrations in the vicinity of the properties adjacent to Ryder Street.
- E.28 The Applicant has submitted truck path diagrams to the Board showing turning paths for construction vehicles accessing the site. The diagrams were prepared by Bohler Engineering dated June 7, 2021. The truck paths shall be maintained free of stockpiles, stored equipment, debris and other construction materials to ensure adequate construction and emergency access. Truck paths shall include: the driveway off of Massachusetts Avenue (“Mass Ave.”), the Quinn Road connector driveway (from Quinn Road between 1155R and Mirak Chevrolet to the Subject Site), Mass Ave. to Forest Street, Forest Street to Ryder Street and the driveway connector from Ryder Street into the Subject Site.
- E.29 The Applicant shall hire a licensed Pest control company to conduct a comprehensive assessment of pest activity on the property and then develop and implement an Integrated Pest Management Plan for all phases of the project (before, during, and after construction).

**F. Traffic/Traffic Safety Conditions / Sidewalks**

- F.1 Site access will be provided via Ryder Street to the west, an existing right of way from Massachusetts Avenue to the south, and Quinn Road (a public way) to the east. The Site will be signed directing motor vehicles to enter via the Massachusetts Avenue right of way or Quinn Road and exit via Ryder Street or Quinn Road. The Massachusetts Avenue driveways will allow two-way travel for existing abutting uses. Bicycle users will be allowed to enter and exit the site from Ryder Street, the driveway to Massachusetts Avenue, and the roadway to Quinn Road.
- F.2 The Applicant shall install all proposed traffic signs and pavement markings shown on the approved final plans. Signs and markings shall conform to the Manual on Uniform Traffic Control Devices (MUTCD), latest edition and other applicable state or local requirements.
- F.3 The proposed site provides 128 parking spaces in a combination of structured garage spaces and surface parking spaces, including eight (8) compact-sized parking spaces – six (6) spaces in Building 2 and two (2) spaces in Building 4. No changes to the number, configuration or designation of parking spaces shown on the final approved plans shall be made unless approved by the Board through a modification process.

- F.4 Turn restrictions shall be incorporated for vehicular traffic exiting the property at Ryder Street. These restrictions include prohibiting right turns onto Ryder Street except for bicycles. Parking restrictions for residents shall also be incorporated. To reinforce these restrictions, the Applicant shall:
- a. Provide a transportation package to all residents which shall include turn restrictions at Ryder Street, access/egress restrictions, no resident or guest parking on Ryder Street.
  - b. Have the on-site property manager promptly address any reported infractions with the resident including providing written warnings.
  - c. Provide both a telephone number and an online portal for residents to report potential infractions to the property manager.
  - d. Advise residents who have repeated infractions and warnings that their lease will not be renewed once it terminates.
- F.6 Guest parking will be managed by the on-site property manager. Guest parkers shall be required to register their vehicles with the property manager in advance and shall be assigned a designated parking space. Any parking on private ways is prohibited. Parking on public ways shall be governed by the Bylaws of the Town of Arlington.
- F.7 Four (4) short term parking spaces shall be provided and maintained in the courtyard for taxis, rideshare vehicles, deliveries and visitors remaining for 1 hour or less.
- F.8 The Applicant shall ensure that emergency vehicles can adequately maneuver through the site. The Arlington Fire Department shall review the Final Plans to ensure compliance with this condition.
- F.9 The Applicant shall provide one hundred and fourteen (114) long-term bicycle parking spaces that are covered and secure.
- F.10 The Applicant shall provide twenty-two (22) outdoor short-term bicycle parking spaces. These spaces shall be near a location of public building access, such as the courtyard area.
- F.11 The Applicant shall provide new residents with transportation information packets with information on getting around Arlington sustainably.

- F.12 The property manager shall review the requests for parking quarterly, and shall adjust policies as required to minimize impacts on the adjacent neighborhood.
- F.13 Parking for units shall be subject to an additional monthly fee at market rates, separate from rent, in order to discourage motor vehicle ownership in the Project.
- F.14 The Applicant shall provide electric vehicle charging stations at 5% of the parking spaces in the garage. The Applicant shall provide for the expansion of the number of charging stations in accordance with tenant demand insofar as the electrical service size allows without upgrade.

**G. Police, Fire, and Emergency Medical Conditions**

- G.1 The Applicant shall provide professional property management and maintenance personnel on the premises during typical business hours and an emergency contact name and number for tenants and the Arlington Police Department and Fire Department.
- G.2 Stairwells and garages must be two-hour fire rated. Residential units must be one-hour fire rated.
- G.3 The residential structures shall be fully sprinklered to NFPA regulations.
- G.4 Compliance with all State Building Code and NFPA requirements relating to fire access and safety shall be met.
- G.5 All elevators must have emergency battery backup power as required by the Massachusetts State Building Code.
- G.6 The Project shall maintain fire access sufficient to comply with applicable State Building Code and/or Fire Code requirements to all four sides of each residential structure at all times as shown on the approved plans.
- G.7 The Project shall provide adequate external lighting to ensure safety of the residents of the Project. External lighting shall conform to the requirements of the local Regulation of Outdoor Lighting [Title V, Section 14].
- G.8 During construction, the Project shall have a superintendent on-site during working hours to address security concerns with the Police Department.



- G.9 During construction, the Project, including all structures shall be accessible to Fire Department and other emergency vehicles. Additionally, all hydrants once installed and as practicable, shall be operational during construction in accordance with NFPA requirements. Standpipes once installed and as practicable shall be operational on each floor during construction, as required by the Building Code and the Fire Department.
- G.10 The Applicant shall consult with the Fire Department prior to the commencement of construction to provide an on-site emergency plan, which shall be updated as necessary throughout the construction process.

**H. Water, Sewer and Utilities**

- H.1 The Applicant shall be responsible for the design and installation of the utilities servicing the Project in accordance with the Approved Plans.
- H.2 All water and sewer infrastructure shall be installed in conformance with the Arlington Water and Sewer Division's technical requirements. The Applicant shall provide the Arlington Water and Sewer Division with calculations to ensure the distribution system for the area has the necessary capacity to meet system demand required prior to the commencement of construction.
- H.3 Fire hydrants shall be placed as shown on the Approved Plans in locations approved by the Arlington Fire Department. If the Arlington Fire Department approves different hydrant locations, such modification shall be accepted administratively as an insubstantial change pursuant to 760 CMR 56.05(11).
- H.4 The service size for the domestic water service should be verified by the Arlington Water and Sewer Division and information on the fire service size and requirements should be verified by the Arlington Fire Department. The Applicant shall submit information regarding the size of both the domestic and fire services as part of Final Plans, after consultation with the Arlington Water and Sewer Division. The Applicant shall replace the existing water service, hydrants and gate valves as noted on the Approved Plans. Any connections to the Town water main shall be triple-gated and a tee connection.
- H.5 The water and sewer utilities servicing the buildings in the Project shall be installed and tested in accordance with applicable Town requirements and protocols, except as may be waived herein.

- H.6 Utilities shall be installed as shown on the approved plans. Utilities shall be defined as electric service lines, telephone lines, water service lines, CATV lines, municipal conduit and the like. The Applicant in conjunction with the utility company(ies) shall request a Grant of Location from the Select Board for any installation of new utility poles or underground conduit in the public right of way, as needed.
- H.7 The Applicant shall be responsible for all trash and recycling removal from the Property. The Town of Arlington shall not have any responsibility for trash, recycling, compost, and/or yard waste pickup at the Property.
- H.8 Fire hydrants on the Property shall remain private, and shall be maintained by the Applicant.
- H.9 The location of the existing utility pole within the right of way from Massachusetts Avenue has been noted as a safety concern by the Board and the public. The Applicant has indicated that the existing utility pole cannot be relocated due to various constraints. The Applicant has stated that they have worked with the utility owner and adjacent property owner but have not come to a feasible resolution. The Applicant should continue to work to resolve this issue including further exploration of relocating the pole further east but within the right of way. Prior to initiating construction, the Applicant shall provide the Board with a written summary of the coordination efforts between the Applicant and the utility owner regarding the relocation of the pole. If it is finally determined that the pole cannot not be relocated, the Applicant, prior to construction, shall provide the Board with a plan for mitigating safety and visibility issues related to the pole. Until such time as the pole is relocated and a minimum eighteen foot (18') right of way is provided, the Applicant is limited to using Quinn Road for resident and staff access to the Project.

**I. Wetlands/Floodplain/Environmental Conditions**

- I.1 Prior to the commencement of construction, erosion control measures shall be installed consistent with the Approved Plans.
- I.2 During construction, any dirt or debris spilled or tracked onto any paved streets shall be swept up and removed daily.

- I.3 While no dewatering is anticipated by the Applicant, any water discharged as part of any dewatering operation shall be passed through filters, on-site settling basins, settling tank trucks, or other devices to ensure that no observable sediments or pollutants are carried into any Resource Area, street, drain, or adjacent property. Any catch basins, drains, and outfalls to be used in dewatering operations shall be cleaned out before operations begin.
- I.4 Prior to commencement of construction, the Applicant must hire a qualified environmental monitor with professional credentials to be selected by the Board and to be on-site throughout the duration of the project. This period shall begin when siltation controls are installed and shall end with issuance of a Certificate of Compliance. The monitor shall submit an electronic report to the ZBA weekly regarding construction progress, relation to resource areas, and shall state whether such work is in their professional opinion in compliance with the comprehensive permit. During the duration of the project, the qualified environmental monitor shall also submit an electronic report after every rain event exceeding 0.5 inches of rain in a 24-hour period to the ZBA regarding the condition of the site during and after the rain event, as well as the status of erosion controls and any additional measures to address stormwater management issues caused by said rain event. The ZBA reserves the right to change the frequency of inspections based on contractor performance, weather, or site conditions. All materials required to be submitted to the ZBA shall also be submitted to the Environmental Monitor.
- I.5 The Applicant must hire a professional engineer to oversee the installation of the stormwater management system. A stormwater mitigation report must be submitted to the ZBA within 10 days of the completion of the stormwater management system. The stormwater report shall include as-built plans, photographs from installation, and a written summary of the installation of the stormwater management system and stormwater best management practices (e.g., porous pavement and other stormwater features, as applicable).
- I.6 The Applicant shall submit the contact information of the party responsible for monitoring and maintaining the planted vegetation within stream relocation areas to the ZBA. Should any changes be made to this party, the ZBA shall be notified. This shall be a continuing condition in perpetuity that survives the expiration of this permit.
- I.7 To avoid adding excess nitrogen runoff, the Applicant shall only treat the planted areas within resource areas with slow release nitrogen fertilizer. Application of this fertilizer cannot occur in the summer, or after storm events. Lawn fertilizer shall only be applied twice a year, in spring and fall. The application of plant nutrients shall otherwise comply with 330 CMR 31.00. No other herbicides or treatment methods are approved. No pesticides or rodenticides shall be used to

treat pest management issues within Resource Areas. These shall be continuing conditions in perpetuity that survives the expiration of this permit.

- I.8 Pervious surfaces shown on the project plans shall be maintained as specified in the stormwater report and logs/reports shall be maintained by the Applicant. Pervious surfaces shown on the project plans shall not be replaced by impervious surfaces. This shall be a continuing condition in perpetuity that survives the expiration of this permit.
- I.9 No snow storage is permitted within the AURA or other Resource Areas. A snow storage plan shall be submitted to the ZBA prior to construction completion. If these areas are insufficient for storage during the snow season, snow shall be removed from the site. Sediments and debris shall be removed from snow storage areas in the early spring. This shall be a continuing condition in perpetuity that survives the expiration of this permit.
- I.10 The Applicant shall protect all adjacent catch basins using silt socks during construction.
- I.11 The Applicant shall conduct catch basin sump cleanings at the end of the project work period.
- I.12 The Applicant shall submit for review and administrative approval by the ZBA an invasive management plan for work in the AURA and other Resource Areas outlining all locations for invasive management, the species and quantities of invasive plants to be managed, and the method of management.
- I.13 All mitigation plantings and all plantings within resource areas shall be native and be installed and maintained according to the standards of the American Association of Nurserymen (AAN). No cultivars of native plantings shall be allowed. This shall be a continuing condition in perpetuity that survives the expiration of this permit.
- I.14 All plantings planted and invasive species removed through this project in Resource Areas or as mitigation shall be monitored for three years. A monitoring report shall be submitted to the Conservation Commission annually in June for the three year monitoring period, reporting on the health of the new plantings and the success of the invasive plant management. The annual report shall identify any plantings that did not survive and summarize the replacement of the plantings. A survival rate of 80% must be achieved at the end of the third monitoring year. If there is less than a 80% survival rate of the plantings after the third year, the Applicant must submit recommendations for replacements to the ZBA for approval.

- I.15 The Applicant shall protect all area trees per the Town Wetlands Protection Regulations, Section 24 Vegetation Removal and Replacement, protecting trees through securing (not nailing) 2x4 boards, between 6-8 feet in length, around tree base. The boards shall be installed vertically such that one end is installed directly into the ground. Alternative protection measures must be approved by the ZBA.
- I.16 The Notice of Intent filed under the Wetlands Protection Act (M.G.L. Chapter 131, Section 40) and its Regulations (310 CMR 10.00) shall also include a detailed evaluation addressing all requirements under the Application for Vegetation Removal in accordance with Section 24 – Vegetation, E (1) through E (7) of the Arlington Wetlands Protection Bylaw. This should include the elements described in the guidance provided in Section 24 E as follows:
- a. Narrative describing existing conditions, proposed plantings, list of existing and proposed species, size of existing species and proposed species, quantity plants before and after revegetation and the rational the removal and maintenance plan.
  - b. Affirmation of the Revegetation Activities: All plans must be accompanied by written testimony and scale diagram from a certified arborist or wetland scientist or landscape architect. The document must include at a minimum the necessity of vegetation removal, surface area to be removed, quantity of individual plants by species.
  - c. Planting Plan: Drawn to scale, properly identified resource area and buffer zone and the project site, location of replacement species, comply with (AAN), erosion controls, estimated tree canopies after 15 years of growth, name, sizes and locations of trees to be planted, and total area of SF of the area shaded by the canopies.
  - d. Existing species list
  - e. Replacement species list
  - f. Rational for Removal
  - g. Maintenance Plan
- I.17 The Land Under the relocated Brook (Land Under Water Bodies) as noted on the Approved Plans shall be protected in perpetuity through a recorded deed restriction. This shall be a continuing condition in perpetuity that survives the expiration of this permit.
- I.18 The Bank of the relocated Brook as noted on the Approved Plans shall be protected in perpetuity through a recorded deed restriction, as indicated on the Approved Plans. This shall be a continuing condition in perpetuity that survives the expiration of this permit.

- I.19 Work associated with re-routing the Ryder Brook channel shall be completed during Phase 1 of the Construction Phasing Plan to ensure flow through the Site will be uninterrupted during construction. Within Phase 1, the following work associated with re-routing shall be completed:
  - a. Grading the proposed Ryder Brook channel.
  - b. Stabilizing the Ryder Brook substrate with the approved stone/substrate material
  - c. Stabilizing the Banks and adjacent areas with seed.
- I.20 River stone and broken stone to be used as the substrate for Ryder Brook shall consist of washed material and shall be free from overburden, spoil, shale and organic material to protect water quality.
- I.21 Erosion controls shall be installed upgradient the Banks of once the channel has been graded and stabilized.
- I.22 All mitigation as proposed as part of this project shall remain in perpetuity. The approved planting areas, invasive removal areas, the water quality units, and the stormwater system shall remain in perpetuity. If replacement is necessary, such replacement shall be subject to the approval of the Commission. This shall be a continuing condition in perpetuity that survives the expiration of this permit.

**J. Other General Conditions**

- J.1 This Decision will be deemed to be final upon the expiration of the appeal period with no appeal having been filed or upon the final judicial decision following the filing of any appeal, whichever is later, as per 760 CMR 56.05(12)(a). In accordance with 760 CMR 56.05(12)(c), this Comprehensive Permit shall expire three (3) years from the date that the permit becomes final, unless (i) prior to that time construction authorized by the Comprehensive Permit has commenced or (ii) the time period is otherwise tolled in accordance with law. The Applicant may timely apply to the Board for extensions to the Comprehensive Permit as permitted by law.
- J.2 The Applicant shall comply with all local regulations of the Town and its boards, commissions, and departments, in accordance with applicable building and fire codes and standards unless specifically waived herein or as otherwise addressed in these conditions.
- J.3 The Applicant shall copy the Board on all correspondence between the Applicant and any federal, state, or Town official, board, or commission concerning the conditions set forth in this Decision, including but not limited to all testing results, official filings, environmental approvals, and other permits issued for the Project.

- J.4 This Decision prohibits the parking or storage of any unregistered vehicle on the site, and likewise prohibits the service of any vehicles on the site, except during construction. Overnight parking of vehicles on public ways is prohibited in the Town of Arlington. Parking of vehicles on private ways is prohibited.
- J.5 In the event that the Applicant (or its Management Company) fails to maintain the stormwater management system for the Project in accordance with its operation and maintenance plan, within fourteen (14) days of notification by the Town to the Applicant/Management Company, the Town may conduct emergency maintenance and/or repair, as it deems necessary, and the Applicant shall, prior to the issuance of any certificates of occupancy, convey such easement or other rights in a form mutually acceptable to the Town and the Applicant as may be reasonably necessary to complete such repair and/or maintenance. In the event the Town opts to perform such maintenance in accordance with this paragraph, the Applicant shall reimburse the Town within forty-five (45) days for all of its reasonable expenses related to such work.
- J.6 The Project entrance way and interior roads, and drainage systems associated therewith shall remain private, and the Town shall not have any legal responsibility for the operation and maintenance of such. The Town shall also have no obligations relating to the proposed recreational areas on the Property, the construction and operation of which shall be the sole responsibility of the Applicant.
- J.7 If any default, violation or breach of these conditions by the Applicant is not cured within thirty (30) days after notice thereof (or such longer period of time as is reasonably necessary to cure such a default so long as the Applicant is diligently and continuously prosecuting such a cure), then the Town may take one or more of the following steps: (a) enforcement by the Zoning Enforcement Officer pursuant to G. L. c. 40A, § 7; (b) by mandamus or other suit, action or other proceeding at law or in equity, require the Applicant to perform its obligations under these conditions; or (c) take such other action at law or in equity as may appear necessary or desirable to enforce these conditions. If the Town brings any claim to enforce these conditions, and the Town finally prevails in such claim, the Applicant shall reimburse the Town for its reasonable attorneys' fees and expenses incurred in connection with such claim.

### **DECISION**

In consideration of all of the foregoing, including the plans, documents and testimony given during the public hearing, the Board hereby grants the Applicant a comprehensive

Decision on Application for Comprehensive Permit  
1165R Mass MA Property, LLC  
1165R Massachusetts Avenue, Arlington, MA  
\_\_\_\_\_, 2021  
Page 34 of 38

permit for the construction of one hundred twenty-four (124) rental apartment units pursuant to Chapter 40B, §§ 20-23, for the development described above.

**RECORD OF VOTE**

The Board of Appeals voted \_\_\_\_\_, at its public meeting on \_\_\_\_\_, 2021, to grant a Comprehensive Permit subject to the above-stated Conditions, with this Decision as attested by the signatures below.

\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_

Dated: \_\_\_\_\_, 2021

Filed with the Town Clerk on \_\_\_\_\_, 2021.

\_\_\_\_\_  
Town Clerk



**Notice:** Appeals, if any, by any party other than the Applicant, shall be made pursuant to Massachusetts General Laws, Chapter 40A, s. 17, and shall be filed within twenty (20) days after the filing of this notice in the Office of the Town Clerk, Town Hall, Groveland, Massachusetts. Any appeal by the Applicant shall be filed with the Housing Appeals Committee pursuant to G. L. c. 40B, § 23, within twenty (20) days after the filing of this notice in the Office of the Town Clerk.

## **DECISION ON WAIVERS**

The Board grants the following waivers from local requirements and regulations as it has determined necessary for the construction of the Project as approved by the Board:

### **Arlington Zoning Bylaws**

Article 5, Section 5.6.3 – This section prohibits multi-family uses in the Industrial Zoning District. The Applicant seeks a waiver to allow one hundred and twenty-four (124) multi-family zoning in the Industrial Zoning District.

### **Board Action: Waiver Granted.**

Article 5, Section 5.6.2 – This section provides for a front yard, rear yard and side yard setback minimum of ten feet (10'). This section also imposes a maximum height of fifty-two feet (52') and four (4) stories. The Applicant requests a waiver to allow a minimum side yard setback of 1.75' and a minimum rear yard setback of nine feet (9'). The Applicant also requests a waiver to allow a maximum height of sixty-eight feet (68') and six (6) stories.

### **Board Action: Waiver Granted.**

Article 5, Section 5.3.1.15 – This section sets forth various height and/or setback requirements for structures with varying heights. The Applicant requests a waiver to allow the construction as shown on the Approved Plans.

**Board Action: Waiver Granted.**

Article 5, Section 5.3.1.17 – This section requires a 7.5; step-back at the fourth story or thirty feet (30') above grade along all building elevations with street frontage. The Applicant requests a waiver to allow a height of sixty-eight feet (68') with no requirement to set back the upper stories.

**Board Action: Waiver Granted.**

Article 5, Section 5.7 – This section allows construction of structures within fifteen feet (15') of a waterway with the grant of a special permit. To the extent that this constitutes a substantive provision, the Applicant requests a waiver to allow work within fifteen feet (15') of a waterway, including the construction of proposed Building 2.

**Board Action: Waiver Granted to the extent that this constitutes a substantive requirement. The Board denies any procedural waiver of special permit requirements, as such waivers are subsumed into the comprehensive permit process and are thus unnecessary.**

Article 6, Section 6.1.12 and the Bicycle Parking Design Guidelines – These provisions require a total of one and one-half (1.5) bicycle parking spaces per unit, for a total of one hundred and eighty-six (186) bicycle spaces. The Applicant requests a waiver to allow a total of one hundred and fourteen (114) parking spaces, which would consist of upper level/stacked parking, not in accordance with the Bicycle Parking Design Guidelines.

**Board Action: Waiver Granted.**

Article 6, Section 6.1.4 – This section requires one hundred and sixty (160) parking spaces for the Project. The Applicant requests a waiver to allow one hundred and twenty-eight (128) parking spaces.

**Board Action: Waiver Granted.**

Article 6, Section 6.1.11(c)(11) – This section allows up to twenty percent (20%) of parking spaces to be compact (8' x 16' rather than 8.5' x 18') spaces. To the extent that this constitutes a substantive provision, the Applicant requests a waiver to allow for eight (8) compact parking spaces.

**Board Action: Waiver Granted.**

Arlington Design Standards – This section imposes design standards for buildings along Mill Brook, Minuteman Bikeway and Massachusetts Avenue. The Applicant requests a waiver to allow construction as shown on the Approved Plans.

**Board Action:**

Title IX, Article 3, Sections 4A and 4B - These sections set forth town fees and charges. The Applicant seeks a waiver of fifty percent (50%) of fees relating to fire safety, building permits, plan reviews, occupancy permits, plumbing permits, gas fitting and electrical permits. The Applicant also requests a waiver of one hundred percent of inflow and infiltration fees.

**Board Action: Waiver Granted as it relates to inflow and infiltration fees. Waiver Denied as it relates to fire safety, building permit, plan review, occupancy permit, plumbing permit, gas fitting and electrical permits.**

Arlington Wetlands Bylaw and Regulations

Wetlands Regulation Section 20 – This section restricts work within the banks of Ryder Brook.

**Board Action: Waiver Granted, subject to the condition that a deed restriction be placed on the Property to protect the Land Under the relocated Ryder Brook.**

Wetlands Regulations Section 22 – This section imposes performance regulations for land under water bodies, and restricts work on land under water bodies and within twenty-five feet (25') of such land. The Applicant requests a waiver to allow the proposed work within Ryder Brook.

**Board Action: Waiver Granted, subject to the condition that a deed restriction be placed on the Property to protect the Land Under the relocated Ryder Brook.**

Wetlands Regulations Section 24 – This section restricts vegetation removal within resource areas. The Applicant requests a waiver to allow vegetation removal within resource areas.

**Board Action: Waiver Denied. The Board has determined, in consultation with the Arlington Conservation Commission, that the work proposed by the Applicant is in compliance with Section 24, and authorizes such work, as shown on the Approved Plans, as part of this comprehensive permit. Accordingly, no waiver is necessary.**

Wetlands Regulations Section 25 – This section prohibits new buildings within fifty feet (50') of the Adjacent Upland Area (AURA) unless approved in evaluating the existing total impervious surface on site. The Applicant requests a waiver to allow new buildings within fifty feet (50') of the AURA.

Decision on Application for Comprehensive Permit  
1165R Mass MA Property, LLC  
1165R Massachusetts Avenue, Arlington, MA  
\_\_\_\_\_, 2021  
Page 38 of 38

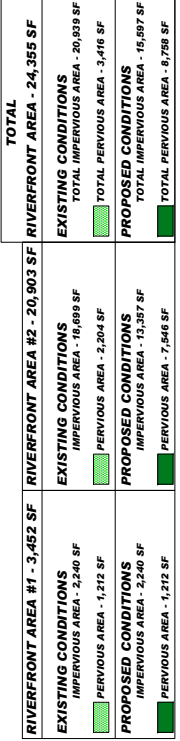
**Board Action: Waiver Denied.** The Board has determined, in consultation with the Arlington Conservation Commission, that the proposed work complies with Section 25 of the Arlington Wetlands Regulations. The Board authorizes such work, as shown on the Approved Plans, therefore no waiver is necessary.

Wetlands Bylaw Title V, Article 8, Section 16 and Wetlands Regulations Section 11 – These sections impose permitting and consulting fees totaling \$15,000, the Applicant requests a waiver of fifty percent (50%) of these fees.



**Board Action: Waiver Partially Granted, to reduce the fees from \$15,000 by twenty percent (20%) to \$12,000.**

Wetlands Bylaw Title V, Article 8, Sections 10 and 11 – These sections set forth bond requirements for projects. The Applicant requests a waiver to eliminate the requirement for security to ensure the completion of wetlands work.

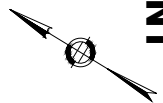
**Board Action:**





PERVIOUS AREAS WITHIN AURA				
		WITHIN 25' NO DISTURANCE ZONE	25'-100' AURA	TOTAL
EXISTING CONDITIONS		2,482 SF	188 SF	2,650 SF
PROPOSED CONDITIONS		4,006 SF	3,004 SF	7,060 SF
DIFFERENCE		+2,124 SF	+2,816 SF	+5,010 SF

360 of 573



36 of 573

- ▶ Civil Engineering
- ▶ Land Surveying
- ▶ Transportation Engineering
- ▶ Structural Engineering
- ▶ Green Infrastructure
- ▶ Planning
- ▶ GIS

PREPARED FOR:

1 POST OFFICE SQ., SUITE 2600, BOSTON, MA 0109

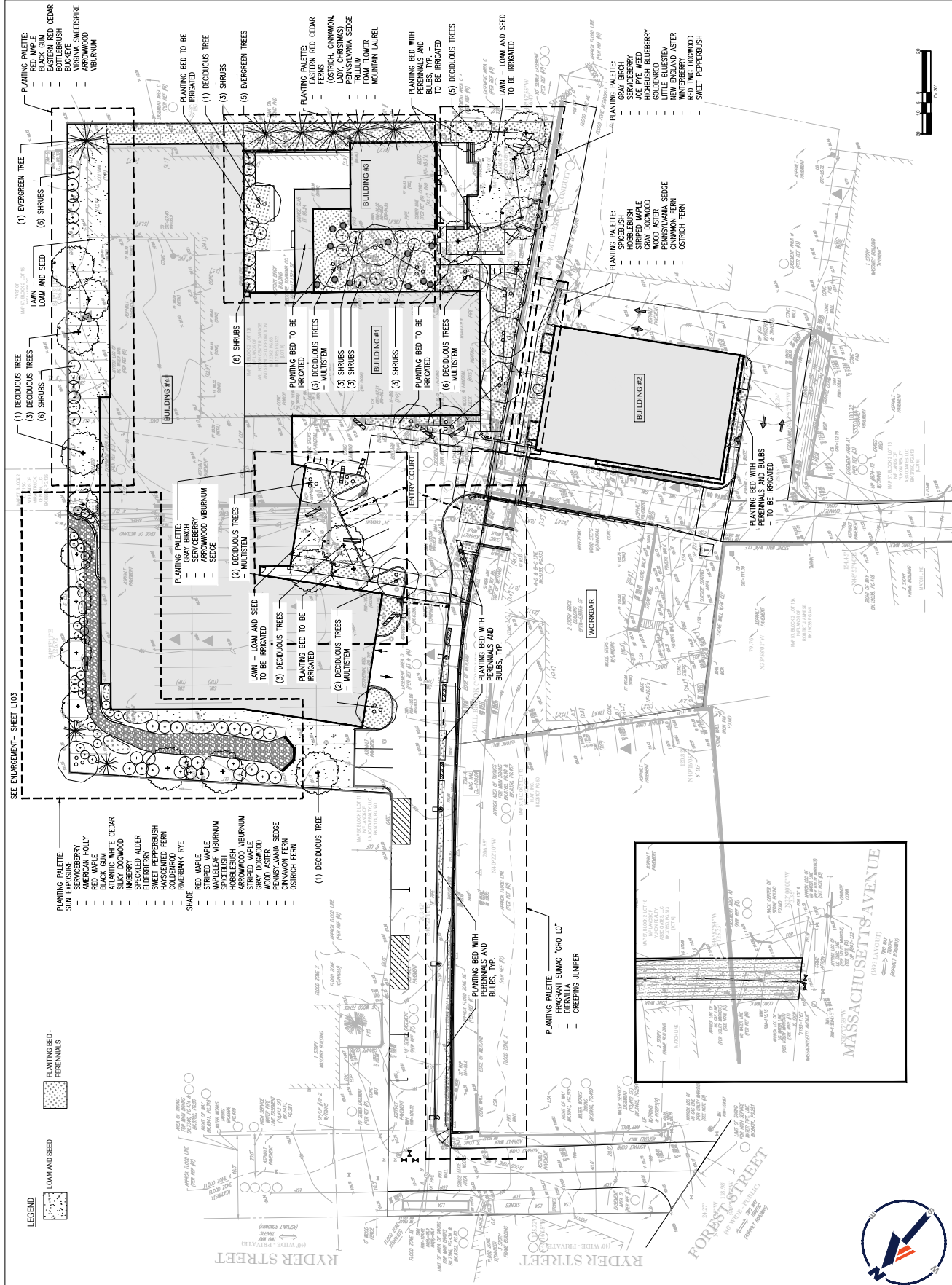
SHEET:

REV.









LEGEND



PLANT SCHEDULE

SCIENTIFIC NAME	COMMON NAME	SIZE	NOTES
<b>TREES</b>			
AP	ACER PENSYLANICUM	6'-8" HT	CLUMP
AR	ACER RUBRUM	8" HT	CLUMP
AM	AMELANCHIER CANADENSIS	8" HT	CLUMP
BP	BETULA POPULIFOLIA	12" HT	B&B
CT	CHAMAECYPARIS THYROIDES	8" HT	CLUMP
HW	HAMMELIS VIRGINIANA	5" HT	B&B
IO	ILEX OPACA	4" HT	
NS	NYSSA SYRIACA	2.5'-3" CAL	
OB	QUERCUS BICOLOR	2.5'-3" CAL	
<b>SHRUBS</b>			
AL	ALNUS INCANA	4" HT	
AR	ARNICA MONTANA	4" HT	
CA	CORNUS ALBA	4" HT	
CR	CORNUS ALBA	4" HT	
CL	CLETHRA ALNIFOLIA	4" HT	
IC	ILEX GLABRA	4" HT	
IV	ILEX VERTICILLATA	3" HT	
LB	LYNCHIA BENTONIA	3" HT	
SC	SAMBUCUS CANADENSIS	4" HT	
VA	VIBURNUM ACERIFOLIUM	4" HT	
VL	VIBURNUM LANTANOIDES	4" HT	
<b>PERENNIALS</b>			
AI	AGASTHEPS INCANATA	1 GAL	
CP	CAREX PENSYLANICA	1 GAL	
DC	DICENTELIUM CUNEATUM	1 GAL	
ER	ERIGONIA REPARIS	1 GAL	
MS	MATEOCOLA STRUTHERSII	1 GAL	
IC	IRIDIUM CANNABIFOLIUM	1 GAL	
SO	SOLIDAGO ODORA	1 GAL	

ARCHITECT

**bhna**

Bergmann Hensley + Architects, Inc.  
9 Central Avenue, Suite 200  
Boston, MA 02108  
617.251.0450 Fax  
www.bhna.com

PROJECT NAME

**Redevelopment of 116SR Massachusetts Avenue**

116SR Massachusetts Avenue  
Boston, MA 02108

CLIENT

**116SR Mass MA Property LLC**

CO-SPONSORING & SITE INVESTMENTS  
2000 North Street  
Boston, MA 02108

PROJECT TEAM

Structural  
Vilgis & Vilgis  
Boston, MA 02108  
(617) 443-0800

MECHANICAL  
Worthington & Associates, Inc.  
1070 Westinghouse  
Boston, MA 02108  
(617) 443-0800

CHAS  
Baker Engineering  
Southborough, MA 01772  
(508) 485-0800

NEIGH  
Nehls Engineering  
Boston, MA 02108  
(617) 336-0003

LANDSCAPE  
Landscape Architecture  
30 Bedford Street, Suite 202  
Boston, MA 02108

REGISTRATION

# Description Date

DRAWING TITLE

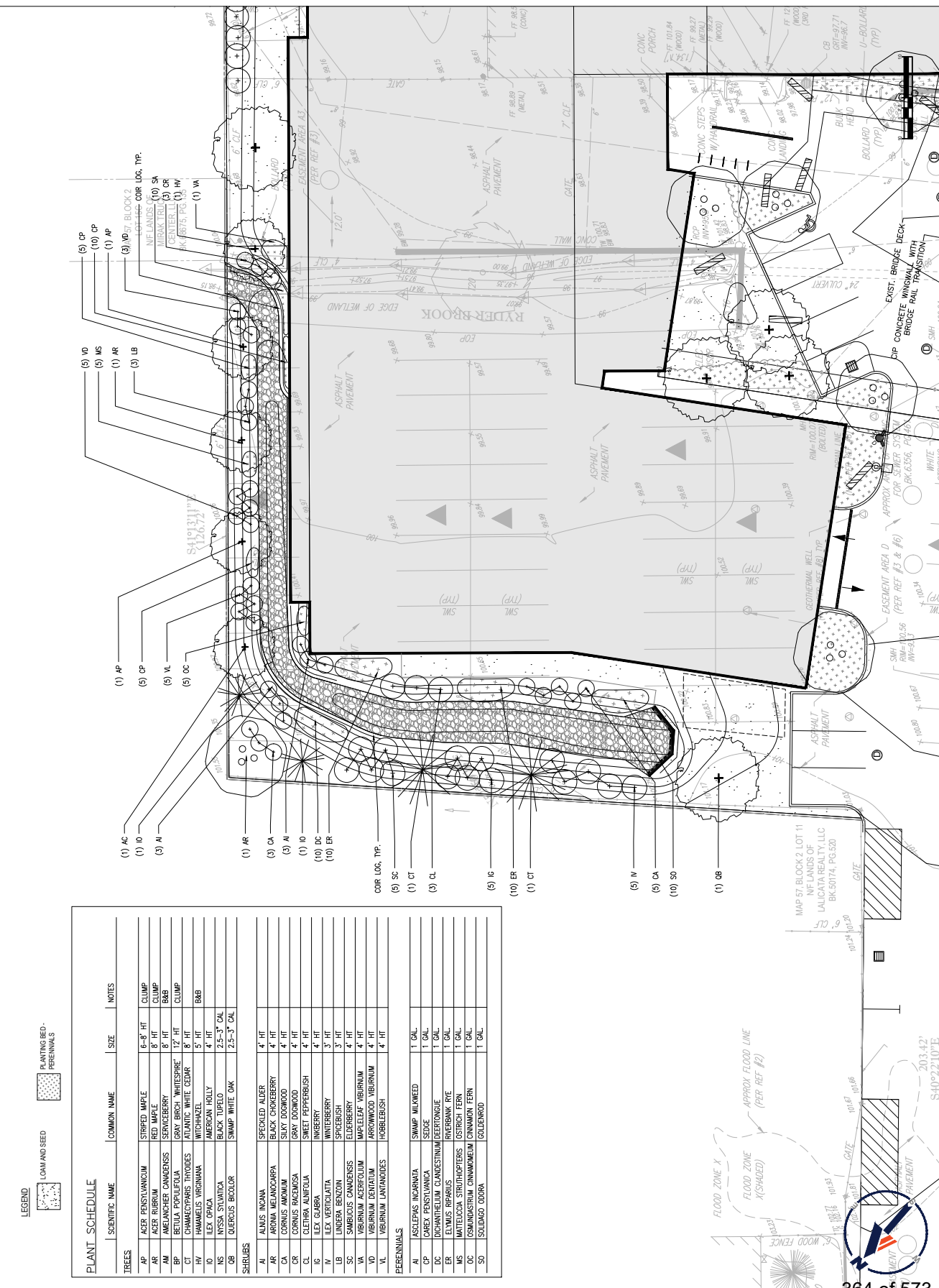
**Swale Planting Plan**

DRAWING INFORMATION

Project No. 116SR-2011-01  
Drawing No. 116SR-2011-01-01  
Scale: AS SHOWN  
Author: BHNA  
Date: 08-04-11

DRAWING NUMBER

**L103**





## Town of Arlington, Massachusetts

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### Notice of Intent: Spy Pond Treatment MassDEP File #091-0330

#### Summary:

8:00 p.m.

This project proposes a water quality management program for Spy Pond. Continued from 9/02/2021 & 9/23/2021 hearings. The Commission requested the following additional information:

- Response to National Heritage letter issues concerning Engleman's Flatsedge and treatment plans to avoid impacts to this endangered plant including analysis impact for procellacor and requirement for an annual treatment plan
- Delete request for use of the following chemicals from the NOI: Alum and Glyphosate
- Updated survey map to be included in the NOI
- Require a licensed botanist to confirm the presence of spiny naiad and its locations in Spy Pond.

#### ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	Spy_Pond_Treatment_NHESP_Letter_06232021_(1).pdf	Spy Pond Treatment NHESP letter 06232021
▢	Reference Material	Spy_Pond_Treatment_NOI.pdf	Spy Pond Treatment NOI
▢	Reference Material	Spy_Pond_WPA_Form_2021_(1).pdf	Spy Pond WPA for 2021



MASSWILDLIFE

## DIVISION OF FISHERIES & WILDLIFE

1 Rabbit Hill Road, Westborough, MA 01581

p: (508) 389-6300 | f: (508) 389-7890

**MASS.GOV/MASSWILDLIFE**

June 23, 2021

Arlington Conservation Commission  
ATTN: Emily Sullivan  
730 Mass Ave, Town Offices  
Arlington, MA 02476

RE:      Applicant:                      Arlington Conservation Commission  
         Project Location:              Spy Pond  
         Project Description:          Proposed herbicide application using Reward/Tribune (diquat), ProcellaCOR EC (florpyrauxifen-benzyl), Sonar (fluridone), AquaPro (glyphosate), and Clearcast (imazamox) to control growth of nuisance plants, as well as copper-based algaecides (i.e. CUSO<sub>4</sub>, Captain, SeClear) and buffered alum to control phosphorus and algal blooms. Physical management techniques such as hand-harvesting, and diver-assisted suction harvesting (DASH) are requested as a non-chemical management technique to manage small areas of invasive species (when applicable).

MA DEP File No:                      091-0330  
NHESP Tracking No.:                **08-24360**

Dear Commissioners:

The Natural Heritage & Endangered Species Program of the Massachusetts Division of Fisheries & Wildlife (the "Division") received a Notice of Intent with project description (Attachment B) in compliance with the rare wildlife species section of the Massachusetts Wetlands Protection Act Regulations (310 CMR 10.59). The Applicant has also sought approval for work pursuant to the MA Endangered Species Act (M.G.L. c.131A) and its implementing regulations (321 CMR 10.00).

Based on a review of the information provided and the information currently contained in our database, the proposed application of herbicide occurs within mapped *Priority Habitat* for the Engelmann's Flatsedge (*Cyperus engelmannii*) a Threatened plant species. State-listed species and their habitats are protected in accordance with the MESA. Fact sheets for state-listed species can be found on our website, [www.mass.gov/nhesp](http://www.mass.gov/nhesp).

The Notice of Intent states that the project is intended to implement a plant management program to control submersed, non-native aquatic plant species, most notably Curly-leaf Pondweed (*Potamogeton crispus*), spiny naiad (*Najas minor*), and undesirable algae species. The project also stated the potential for targeting Eurasian Watermilfoil (*Myriophyllum spicatum*) which has been present in the past. The stated purpose of the project is to improve and maintain open water habitat, promote the growth of less pervasive plant species, and provide safe recreational access to the pond through an integrated management program. The Distribution of Spiny Naiad and Curly-leaf Pondweed are shown in Figure 3. Neither Eurasian watermilfoils nor curly-leaf pondweed are noted as being present in the ponds.

The purpose of the Division's review of the proposed project under the WPA regulations is to determine whether the project will have any adverse effects on the Resource Areas Habitats of state-listed species. The

MASSWILDLIFE

purpose of the Division's review under the MESA regulations is to determine whether a Take of state-listed species will result from the proposed project.

#### **WETLANDS PROTECTION ACT (WPA)**

Based on a review of the information that was provided and the information that is currently contained in our database, the Division has determined that this project, as currently proposed, **will not adversely affect** the actual Resource Area Habitat of state-protected rare wildlife species. Therefore, it is our opinion that this project meets the state-listed species performance standard for the issuance of an Order of Conditions.

This determination addresses only the matter of **rare** wildlife habitat and does not pertain to other wildlife habitat issues that may be pertinent to the proposed project.

#### **Special Notes:**

- No details were provided about the use of alum. Therefore, at this time, the Division is unable to provide the Commission with suggested conditions that would be protective of the Fisheries Interest of the Wetland Protection Act. Alum applications can result in stress and fish kills. We would recommend that the Commission require the Applicant to seek the Division's recommended conditions on any use of Alum.
- Spiny-Leaf Naiad (*Najas minor*). The Division has no records of this plant outside of Berkshire County. Prior to any treatment targeting this plant, we recommend that the Commission require the Applicant to have the identification of this plant confirmed by a qualified botanist to ensure proposed treatments targeting this plant are appropriate.

#### **MA ENDANGERED SPECIES ACT (MESA)**

##### **A. Additional Information Required: Applications of Imazamox, Diquat, and Glyphosate to Water; Alum**

This letter is to inform you that the Division has reviewed the materials submitted with your application and has **determined that additional information is required** in order for the Division to complete its review pursuant to 321 CMR 10.18 (MESA) and 310 CMR 10.59 (WPA). Based on publicly available data, these products are labelled to have direct action on *Cyperus* or other sedge species. To continue our review of the proposed use of these products, the Applicant shall submit:

- 1) **Submit an Analysis of Impact to Engelman's Flatsedge.** An analysis of each Imazamox, Diquat, and Glyphosate and its specific formulation on sedges, relevant to Engelman's Flatsedge. The analysis must include summarization of data available on species related to the state-listed species and address the specific amount, form and brand of products proposed for use in this application as compared to the literature sources.
- 2) **Submit a Plan to Avoid Impacts.** The Applicant may alternatively propose a plan to avoid impacts by application of these products when water elevations are either above, or 6" below, the habitat of the Engelman's Flatsedge. During the Division's review of the park improvements on the Pond, the City identified and marked water elevations in the pond associated with the Flatsedge that may be relevant. Alternatively, the City can propose a method to collect and mark water elevations. The upper elevation is roughly that of the shrubby border. The lower water elevation of the extent of habitat likely can only be documented during drawdown conditions.

- 3) **Alum.** A proposed Alum plan must be submitted including all existing and proposed conditions with calculations submitted in support of both the treatment and buffering plan. The plan must describe monitoring during and after the alum to ensure pH levels remain with the proposed target range. Plans must include the location and acres of treatment, proposed treatment target (mg/L), existing pH, buffering treatment plan (amounts, frequency of monitoring) and monitoring plan.

After receiving the above requested information, the Division will continue its review of this aspect of the proposed project for compliance with the MESA regulations. The Division reserves the right to request additional information to understand the potential impacts of the proposed project on state-listed species and their habitats. No use of the products specified above may be utilized in the Pond until the Division completes its review.

- B. Activities Approved Subject to Conditions: *Foliar* Applications of Imazamox, Diquat, and Glyphosate; ProcellaCOR EC (florpyrauxifen-benzyl), Sonar (fluridone), copper-based algaecides (CUSO<sub>4</sub>, Captain, SeClear).

Based on the information provided and the information contained in our database, it is the opinion of the Division that a portion of this project, as currently proposed, **must be conditioned in order to avoid a prohibited Take of state-listed species (321 CMR 10.18(2)(a))**. The project must comply with the following conditions for the herbicide application:

- 4) **Submit an Annual Treatment Plan.** Annually, the Applicant must submit a written, annual treatment plan to the Division for review and written approval at least sixty (60) days prior to any treatment in the same year. The treatment plan shall include, at a minimum, a detailed map of the proposed treatment area and methods, calculated treatment acres by method (e.g., aquatic application, fog, spray, etc.), proposed date(s) of treatment(s), proposed herbicide product names and formulations, active ingredients, active ingredient target concentrations and calculated treatment concentrations. The plan shall also include a map, like Figure 3, showing the areas of proposed application.
- 5) **Direct Foliar Applications of Imazamox, Diquat or Glyphosate through painting, hand-wiping, or stem injection.** No special conditions are required. Such work may proceed, but with care to avoid trampling the low-lying state-listed plants if work is conducted from land.
- 6) **Indirect Foliar Applications of Imazamox, Diquat and Glyphosate (“Indirect Foliar Application”) through spraying, fogging, misting, wick applications, or the like.** Prior to any Indirect Foliar Application of the three listed active ingredients, a survey must be conducted by a qualified botanist to locate all Engelman’s Flatsedge in the proposed treatment area. The qualified botanist shall develop and submit to the Division proposed methods to avoid impacts from the treatments. These may include placing chemical resistant buckets over plants or groups of plants, plastic sheeting or similar methods. The Division must approve the protective measures in writing prior to any use of these products as described herein.
- 7) **Non-Aquatic Hand Harvesting.** Prior to any Hand Harvesting outside of wetland Resources Areas, a survey must be conducted by a qualified botanist to locate all Engelman’s Flatsedge in the proposed treatment area. The qualified botanist shall develop and submit to the Division proposed methods to avoid impacts from hand harvesting.



- 8) **DASH, ProcellaCor, Copper-based Algaecides**– No conditions are required. Applications are subject to reporting in the required Annual Treatment Plan required in Condition #4.
- 9) **Authorization, 5 years.** With a Division-approved annual treatment plan submitted and approved and in compliance with all conditions herein, activities in Section B of this determination may occur for 5 years from the date of this determination. Thereafter, the Applicant must refile with the Division pursuant to the MESA.
- 10) **Wetland Protection Act Filings, Notice.** When filing for any renewal, extension, or amendment of the WPA Orders of Conditions the Applicant shall contact the Division for written response regarding impacts to Resource Area habitat of state-listed wildlife. A renewal, extension or amendment of Order of Conditions does not renew, extend, or amend this MESA authorization.
- 11) The Division may find that any future proposed management activity individually or in combination will result in a Take and may require a MESA CMP subject to 321 CMR 10.23. Therefore, we recommend that the Applicant contact our office in advance of each annual submission to ensure that proposals are developed to avoid a Take of state-listed species.

Provided the above-noted conditions relevant to MESA Section B are fully implemented and there are no changes to the Project Plans or the specified products, treatment may proceed. This approval for Work explicitly and exclusively applies to the activities and specific products and chemicals described herein. Any changes to the proposed project or any additional work beyond that shown on the Project Plans may require an additional filing with the Division pursuant to the MESA. This project may be subject to further review if no physical work is commenced within five years from the date of issuance of this determination, or if there is a change to the project. No application of the products in MESA Section A to water may be utilized in the Pond until the Division completes its review.

If you have any questions regarding this letter, please contact Misty-Anne Marold, Senior Endangered Species Review Biologist, at [misty-anne.marold@mass.gov](mailto:misty-anne.marold@mass.gov) or 508-389-6356.

Sincerely,



Everose Schlüter, Ph.D.  
Assistant Director

RE: Kara Sliwoski, Solitude Lake Management  
MA DEP, Northeast Regional Office-Wetlands and Waterways  
Alicia Geilen, MA DEP Circuit Rider, Northeast  
Patricia Huckery, District Manager, MA DFW Northeast

# **Notice of Intent Application Spy Pond Aquatic Management Program**

**Arlington, MA**

**May 2021**

**Prepared for:**

**Town of Arlington  
Conservation Commission  
730 Massachusetts Avenue  
Arlington, MA 02476**

**Prepared by:**

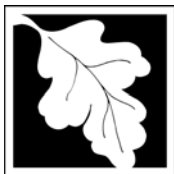
**SOLitude Lake Management  
590 Lake Street  
Shrewsbury, MA 01545**





## TABLE OF CONTENTS

➤ NOI Application Form	
▪ Wetlands Protection Act Form 3	
▪ Appendix A: Ecological Restoration Limited Project Checklists	
➤ NOI Wetland Fee Transmittal Form	
➤ NHESP Checklist Form	
➤ ATTACHMENT A – Abutter Notification	
Environmental Monitor	
Affidavit of Service	
Abutters Notice	
Abutters Lists	
➤ ATTACHMENT B - Project Description	
1.0 Introduction	1
2.0 Problem Statement	1
3.0 Site Description	1
4.0 Existing Conditions	2
5.0 In-Lake Management Recommendations	3
5.1 Program Overview	
5.2 Proposed Products	
5.3 Monitoring	
6.0 Alternatives Analysis	10
7.0 Compliance	10
8.0 Impacts of the Proposed Management Plan Specific to the Wetlands Protection Act	11
➤ ATTACHMENT C – Figures	
▪ Figure 1: Site Locus	
▪ Figure 2: Natural Heritage & Endangered Species Program Habitats	
▪ Figure 3: Invasive Vegetation Assemblage (Spring 2020)	
➤ ATTACHMENT D – Herbicide/Algaecide Information	



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

# WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

City/Town

**Important:**

When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Note:  
Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

## A. General Information

1. Project Location (**Note:** electronic filers will click on button to locate project site):

a. Street Address

b. City/Town

c. Zip Code

Latitude and Longitude:

d. Latitude

e. Longitude

f. Assessors Map/Plat Number

g. Parcel /Lot Number

2. Applicant:

a. First Name

b. Last Name

c. Organization

d. Street Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email Address

3. Property owner (required if different from applicant): ☐ Check if more than one owner

a. First Name

b. Last Name

c. Organization

d. Street Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email address

4. Representative (if any):

a. First Name

b. Last Name

c. Company

d. Street Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

a. Total Fee Paid

b. State Fee Paid

c. City/Town Fee Paid



## WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

City/Town

### A. General Information (continued)

6. General Project Description:

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- |                                                                       |                                                           |
|-----------------------------------------------------------------------|-----------------------------------------------------------|
| 1. <input type="checkbox"/> Single Family Home                        | 2. <input type="checkbox"/> Residential Subdivision       |
| 3. <input type="checkbox"/> Commercial/Industrial                     | 4. <input type="checkbox"/> Dock/Pier                     |
| 5. <input type="checkbox"/> Utilities                                 | 6. <input type="checkbox"/> Coastal engineering Structure |
| 7. <input type="checkbox"/> Agriculture (e.g., cranberries, forestry) | 8. <input type="checkbox"/> Transportation                |
| 9. <input type="checkbox"/> Other                                     |                                                           |

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

1. ☐ Yes ☐ No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR 10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

a. County

b. Certificate # (if registered land)

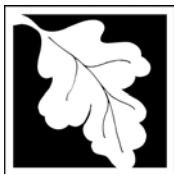
c. Book

d. Page Number

### B. Buffer Zone & Resource Area Impacts (temporary & permanent)

1. ☐ Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
2. ☐ Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.



## WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

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City/Town

### B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Bank	1. linear feet	2. linear feet
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet	2. square feet
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet 3. cubic yards dredged	2. square feet

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet 3. cubic feet of flood storage lost	2. square feet 4. cubic feet replaced
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet 2. cubic feet of flood storage lost	3. cubic feet replaced
f. <input type="checkbox"/> Riverfront Area	1. Name of Waterway (if available)	

2. Width of Riverfront Area (check one):

- ☐ 25 ft. - Designated Densely Developed Areas only
- ☐ 100 ft. - New agricultural projects only
- ☐ 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: \_\_\_\_\_ square feet

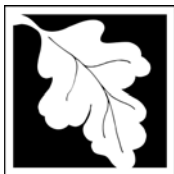
4. Proposed alteration of the Riverfront Area:

a. total square feet \_\_\_\_\_ b. square feet within 100 ft. \_\_\_\_\_ c. square feet between 100 ft. and 200 ft. \_\_\_\_\_

5. Has an alternatives analysis been done and is it attached to this NOI? ☐ Yes ☐ No

6. Was the lot where the activity is proposed created prior to August 1, 1996? ☐ Yes ☐ No

3. ☐ Coastal Resource Areas: (See 310 CMR 10.25-10.35)



## WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

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### B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users:  
Include your  
document  
transaction  
number  
(provided on your  
receipt page)  
with all  
supplementary  
information you  
submit to the  
Department.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	1. square feet 2. cubic yards dredged	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	1. square feet	2. cubic yards beach nourishment
e. <input type="checkbox"/> Coastal Dunes	1. square feet	2. cubic yards dune nourishment
	Size of Proposed Alteration	Proposed Replacement (if any)
f. <input type="checkbox"/> Coastal Banks	1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	1. square feet	
h. <input type="checkbox"/> Salt Marshes	1. square feet	2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	1. square feet 2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	1. square feet	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above 1. cubic yards dredged	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	1. square feet	

4. ☐ Restoration/Enhancement

If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.

a. square feet of BVW

b. square feet of Salt Marsh

5. ☐ Project Involves Stream Crossings

a. number of new stream crossings

b. number of replacement stream crossings



## WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

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City/Town

### C. Other Applicable Standards and Requirements

- ☐ This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Notice of Intent – Required Actions (310 CMR 10.11).

#### Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to [http://www.mass.gov/dfwele/dfw/nhesp/regulatory\\_review/priority\\_habitat/online\\_viewer.htm](http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/priority_habitat/online_viewer.htm).

a. ☐ Yes ☐ No

If yes, include proof of mailing or hand delivery of NOI to:

Natural Heritage and Endangered Species Program  
Division of Fisheries and Wildlife  
1 Rabbit Hill Road  
Westborough, MA 01581

b. Date of map \_\_\_\_\_

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.C, and include requested materials with this Notice of Intent (NOI); OR complete Section C.1.d, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

- 1c. Submit Supplemental Information for Endangered Species Review\*

1. ☐ Percentage/acreage of property to be altered:

(a) within wetland Resource Area

\_\_\_\_\_ percentage/acreage

(b) outside Resource Area

\_\_\_\_\_ percentage/acreage

2. ☐ Assessor's Map or right-of-way plan of site

2. ☐ Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work \*\*

(a) ☐ Project description (including description of impacts outside of wetland resource area & buffer zone)

(b) ☐ Photographs representative of the site

\* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <http://www.mass.gov/dfwele/dfw/nhesp/nhesp.htm>, regulatory review tab). Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

\*\* MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



## WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

City/Town

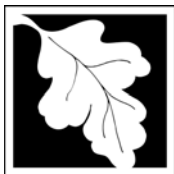
### C. Other Applicable Standards and Requirements (cont'd)

- (c) ☐ MESA filing fee (fee information available at [http://www.mass.gov/dfwele/dfw/nhesp/regulatory\\_review/ mesa/ mesa\\_fee\\_schedule.htm](http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/ mesa/ mesa_fee_schedule.htm)).  
Make check payable to "Commonwealth of Massachusetts - NHESP" and **mail to NHESP** at above address

*Projects altering 10 or more acres of land, also submit:*

- (d) ☐ Vegetation cover type map of site
- (e) ☐ Project plans showing Priority & Estimated Habitat boundaries
- (f) OR Check One of the Following
1. ☐ Project is exempt from MESA review.  
Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, [http://www.mass.gov/dfwele/dfw/nhesp/regulatory\\_review/ mesa/ mesa\\_exemptions.htm](http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/ mesa/ mesa_exemptions.htm); the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)
2. ☐ Separate MESA review ongoing. a. NHESP Tracking # \_\_\_\_\_ b. Date submitted to NHESP \_\_\_\_\_
3. ☐ Separate MESA review completed.  
Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.
3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?
- a. ☐ Not applicable – project is in inland resource area only
- b. ☐ Yes ☐ No If yes, include proof of mailing or hand delivery of NOI to either:
- |                                                                                                                                                                        |                                                                                                                                   |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|
| South Shore - Cohasset to Rhode Island, and the Cape & Islands:                                                                                                        | North Shore - Hull to New Hampshire:                                                                                              |
| Division of Marine Fisheries -<br>Southeast Marine Fisheries Station<br>Attn: Environmental Reviewer<br>1213 Purchase Street – 3rd Floor<br>New Bedford, MA 02740-6694 | Division of Marine Fisheries -<br>North Shore Office<br>Attn: Environmental Reviewer<br>30 Emerson Avenue<br>Gloucester, MA 01930 |

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional Office.



## WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

City/Town

### C. Other Applicable Standards and Requirements (cont'd)

**Online Users:**  
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?
- a. ☐ Yes ☐ No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.
- b. ACEC
5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?
- a. ☐ Yes ☐ No
6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?
- a. ☐ Yes ☐ No
7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?
- a. ☐ Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:
1. ☐ Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
  2. ☐ A portion of the site constitutes redevelopment
  3. ☐ Proprietary BMPs are included in the Stormwater Management System.
- b. ☐ No. Check why the project is exempt:
1. ☐ Single-family house
  2. ☐ Emergency road repair
  3. ☐ Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

### D. Additional Information

- ☐ This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

**Online Users:** Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1. ☐ USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2. ☐ Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.





## WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

City/Town

### D. Additional Information (cont'd)

3. ☐ Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.

4. ☐ List the titles and dates for all plans and other materials submitted with this NOI.

a. Plan Title

b. Prepared By

c. Signed and Stamped by

d. Final Revision Date

e. Scale

f. Additional Plan or Document Title

g. Date

5. ☐ If there is more than one property owner, please attach a list of these property owners not listed on this form.
6. ☐ Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.
7. ☐ Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.
8. ☐ Attach NOI Wetland Fee Transmittal Form
9. ☐ Attach Stormwater Report, if needed.

### E. Fees

1. ☐ Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

2. Municipal Check Number

3. Check date

4. State Check Number

5. Check date

6. Payor name on check: First Name

7. Payor name on check: Last Name



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 3 – Notice of Intent**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Arlington

City/Town

**F. Signatures and Submittal Requirements**

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

  
Emily Sullivan (May 8, 2021 08:40 EDT)

1. Signature of Applicant

05/06/21

2. Date

  
Emily Sullivan (May 8, 2021 08:41 EDT)

3. Signature of Property Owner (if different)

05/06/21

4. Date



5. Signature of Representative (if any)

05/18/21

6. Date

**For Conservation Commission:**

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

**For MassDEP:**

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a **copy** of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

**Other:**

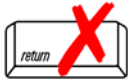
If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**NOI Wetland Fee Transmittal Form**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**Important:** When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



## A. Applicant Information

### 1. Location of Project:

a. Street Address

b. City/Town

c. Check number

d. Fee amount

### 2. Applicant Mailing Address:

a. First Name

b. Last Name

c. Organization

d. Mailing Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email Address

### 3. Property Owner (if different):

a. First Name

b. Last Name

c. Organization

d. Mailing Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email Address

## B. Fees

Fee should be calculated using the following process & worksheet. ***Please see Instructions before filling out worksheet.***

**Step 1/Type of Activity:** Describe each type of activity that will occur in wetland resource area and buffer zone.

**Step 2/Number of Activities:** Identify the number of each type of activity.

**Step 3/Individual Activity Fee:** Identify each activity fee from the six project categories listed in the instructions.

**Step 4/Subtotal Activity Fee:** Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

**Step 5/Total Project Fee:** Determine the total project fee by adding the subtotal amounts from Step 4.

**Step 6/Fee Payments:** To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**NOI Wetland Fee Transmittal Form**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**B. Fees** (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee

**Step 5/Total Project Fee:** \_\_\_\_\_

**Step 6/Fee Payments:**

Total Project Fee: \_\_\_\_\_  
a. Total Fee from Step 5

State share of filing Fee: \_\_\_\_\_  
b. 1/2 Total Fee **less** \$12.50

City/Town share of filing Fee: \_\_\_\_\_  
c. 1/2 Total Fee **plus** \$12.50

**C. Submittal Requirements**

- a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection  
Box 4062  
Boston, MA 02211

- b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and the city/town fee payment.

**To MassDEP Regional Office** (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and a **copy** of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)



# WPA Form 3 – Notice of Intent

## Appendix A: Ecological Restoration Limited Project Checklists

City/Town

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

### Eligibility Checklist

This Ecological Restoration Limited Project Eligibility Checklist guides the applicant in determining if their project is eligible to file as an Inland or Coastal Ecological Restoration Limited Project (310 CMR 10.53(4) or 310 CMR 10.24(8) respectively). These criteria must be met when submitting the Ecological Restoration Limited Project Notice of Intent to ensure that the restoration and improvement of the natural capacity of a Resource Area(s) to protect and sustain the interests identified in the WPA is **necessary** to achieve the project's ecological restoration goals.

#### Important:

When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Note:  
Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

#### Regulatory Features of All Coastal and Inland Ecological Restoration Limited Projects

- (a) May result in the temporary or permanent loss of or conversion of Resource Area: An Ecological Restoration Limited Project that meets the requirements of 310 CMR 10.24(8) may result in the temporary or permanent loss of Resource Areas and/or the conversion of one Resource Area to another when such loss is necessary to the achievement of the project's ecological restoration goals.
- (b) Exemption from wildlife habitat evaluation: A NOI for an Ecological Restoration Limited Project that meets the minimum requirements for Ecological Restoration Projects and for a MassDEP Combined Application outlined in 310 CMR 10.12(1) and (2) is exempt from providing a wildlife habitat (310 CMR 10.60), but still must meet the general performance standards for Bank [310 CMR 10.54(4)(a)5]; Land Under Water Bodies and Waterways [310 CMR 10.56(4)(a)4], and Wildlife Habitat Evaluation [310 CMR 10.60].
- (c) The following are considerations for applicants filing an Ecological Restoration Limited Project NOI and for the issuing authority approving a project as an Ecological Restoration Limited Project:
- ☐ The condition of existing and historic Resource Areas proposed for restoration.
  - ☐ Evidence of the extent and severity of the impairment(s) that reduce the capacity of the Resource Areas to protect and sustain the interests identified in M.G.L. c. 131, § 40.
  - ☐ The magnitude and significance of the benefits of the Ecological Restoration Project in improving the capacity of the affected Resource Areas to protect and sustain the other interests identified in M.G.L. c. 131, § 40.
  - ☐ The magnitude and significance of the impacts of the Ecological Restoration Project on existing Resource Areas that may be modified, converted and/or lost and the interests for which said Resource Areas are presumed significant in 310 CMR 10.00, and the extent to which the project will:
    - a. avoid adverse impacts to Resource Areas and the interests identified in M.G.L. c. 131, § 40, that can be avoided without impeding the achievement of the project's ecological restoration goals.
    - b. minimize adverse impacts to Resource Areas and the interests identified in M.G.L. c. 131, § 40, that are necessary to the achievement of the project's ecological restoration goals.
    - c. utilize best management practices such as erosion and siltation controls and proper construction sequencing to avoid and minimize adverse construction impacts to resource areas and the interests identified in M.G.L. c. 131, § 40.



# WPA Form 3 – Notice of Intent

## Appendix A: Ecological Restoration Limited Project Checklists

City/Town

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

### Eligibility Criteria - Coastal Ecological Restoration Limited Projects (310 CMR 10.24(8))

Complete this Eligibility Criteria Checklist **before** filling out a Notice of Intent Application to determine if your project qualifies as a Coastal Ecological Restoration Limited Project. (310 CMR 10.24(8)) Sign the Eligibility Certification at the end of Appendix A, and attach the checklist with supporting documentation and the Eligibility Certification to your Notice of Intent Application.

#### General Eligibility Criteria for All Coastal Ecological Restoration Limited Projects

Notwithstanding the requirements of 310 CMR 10.25 through 10.35, 310 CMR 10.54 through 10.58, and the Wildlife Habitat evaluations in 310 CMR 10.60, the Issuing Authority may issue an Order of Conditions permitting an Ecological Restoration Project listed in 310 CMR 10.24(8)(e) as an Ecological Restoration Limited Project and impose such conditions as will contribute to the interests identified in the WPA M.G.L. provided that the project meets all the requirements in 310 CMR 10.24(8).

- ☐ The project is an Ecological Restoration Project as defined in 310 CMR 10.04 and is a project type listed below [310 CMR 10.24(8)(e)].
- ☐ Tidal Restoration.
- ☐ Shellfish Habitat Restoration.
- ☐ Other Ecological Restoration Limited Project Type.
- ☐ The project will further at least one of the WPA (M.G.L. c. 131, § 40) interests identified below.
  - ☐ Protection of public or private water supply.
  - ☐ Protection of ground water supply.
  - ☐ Flood control.
  - ☐ Storm damage prevention.
  - ☐ Prevention of pollution.
  - ☐ Protection of land containing shellfish.
  - ☐ Protection of fisheries.
  - ☐ Protection of wildlife habitat.
- ☐ If the project will impact an area located within estimated habitat which is indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetlands, a NHESP preliminary written determination is attached to the NOI submittal that the project will not have any adverse long-term and short-term effects on specified habitat sites of Rare Species or the project will be carried out in accordance with an approved NHESP habitat management plan.



# WPA Form 3 – Notice of Intent

## Appendix A: Ecological Restoration Limited Project Checklists

City/Town

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

### Eligibility Criteria - Coastal Ecological Restoration Limited Projects (310 CMR 10.24(8)) (Cont.)

#### General Eligibility Criteria for All Coastal Ecological Restoration Limited Projects (cont.)

- ☐ If the project is located in a Coastal Dune or Barrier Beach, the project avoids and minimizes armoring of the Coastal Dune or Barrier Beach to the maximum extent practicable.
- ☐ The project complies with all applicable provisions of 310 CMR 10.24(1) through (6) and 310 CMR 10.24(9) and (10).

#### Additional Eligibility Criteria for Specific Coastal Ecological Restoration Limited Project Types

These additional criteria must be met to qualify as an Ecological Restoration Limited Project to ensure that the restoration and improvement of the natural capacity of a Resource Area to protect and sustain the interests identified in the WPA is **necessary** to achieve the project's ecological restoration goals.

- ☐ This Ecological Restoration Limited Project application meets the eligibility criteria for Ecological Restoration Limited Project [310 CMR 10.24(8)(a) through (d) and as proposed, furthers at least one of the WPA interests is for the project type identified below.

#### ☐ Tidal Restoration Projects

- ☐ A project to restore tidal flow that will not significantly increase flooding or storm damage impacts to the built environment, including without limitation, buildings, wells, septic systems, roads or other man-made structures or infrastructure.

#### ☐ Shellfish Habitat Restoration Projects

- ☐ The project has received a Special Projects Permit from the Division of Marine Fisheries or, if a municipality, has received a shellfish propagation permit.
- ☐ The project is made of cultch (e.g., shellfish shells from oyster, surf or ocean clam) or is a structure manufactured specifically for shellfish enhancement (e.g., reef blocks, reef balls, racks, floats, rafts, suspended gear).

#### ☐ Other Ecological Restoration Projects that meet the criteria set forth in 310 CMR 10.24(8)(a) through (d).

- ☐ Restoration, enhancement, or management of Rare Species habitat.
- ☐ Restoration of hydrologic and habitat connectivity.
- ☐ Removal of aquatic nuisance vegetation to impede eutrophication.
- ☐ Thinning or planting of vegetation to improve habitat value.
- ☐ Fill removal and re-grading.
- ☐ Riparian corridor re-naturalization.
- ☐ River floodplain re-connection.



# WPA Form 3 – Notice of Intent

## Appendix A: Ecological Restoration Limited Project Checklists

City/Town

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

### Eligibility Criteria - Coastal Ecological Restoration Limited Projects (310 CMR 10.24(8)) (Cont.)

#### Additional Eligibility Criteria for Specific Coastal Ecological Restoration Limited Project Types

- ☐ In-stream habitat enhancement.
- ☐ Remediation of historic tidal wetland ditching.
- ☐ Eelgrass restoration.
- ☐ Invasive species management.
- ☐ Installation of fish passage structures.
- ☐ Other. Describe: \_\_\_\_\_
- ☐ This project involves the construction, repair, replacement or expansion of public or private infrastructure (310 CMR 10.24(9)).
  - ☐ The NOI attachment labeled \_\_\_\_\_ is an operation and maintenance plan to ensure that the infrastructure will continue to function as designed.
  - ☐ The operation and maintenance plan will be implemented as a continuing condition in the Order of Conditions and the Certificate of Compliance.
- ☐ This project proposes to replace an existing stream crossing (310 CMR 10.24(10)). The crossing complies with the Massachusetts Stream Crossing Standards to the maximum extent practicable with details provided in the NOI. The crossing type:
  - ☐ Replaces an existing non-tidal crossing that is part of an Anadromous/Catadromous Fish Run (310 CMR 10.35)
  - ☐ Replaces an existing tidal crossing that restricts tidal flow. The tidal restriction will be eliminated to the maximum extent practicable.
- ☐ At a minimum, in evaluating the potential to comply with the standards to the maximum extent practicable the following criteria have been considered site constraints in meeting the standard, undesirable effects or risk in meeting the standard, and the environmental benefit of meeting the standard compared to the cost, by evaluating the following:
  - ☐ The potential for downstream flooding;
  - ☐ Upstream and downstream habitat (in-stream habitat, wetlands);
  - ☐ Potential for erosion and head-cutting;
  - ☐ Stream stability;
  - ☐ Habitat fragmentation caused by the crossing;
  - ☐ The amount of stream mileage made accessible by the improvements;
  - ☐ Storm flow conveyance;





# WPA Form 3 – Notice of Intent

## Appendix A: Ecological Restoration Limited Project Checklists

City/Town

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

### Eligibility Criteria - Coastal Ecological Restoration Limited Projects (310 CMR 10.24(8)) (Cont.)

#### Additional Eligibility Criteria for Specific Coastal Ecological Restoration Limited Project Types

- ☐ Engineering design constraints specific to the crossing;
- ☐ Hydrologic constraints specific to the crossing;
- ☐ Impacts to wetlands that would occur by improving the crossing;
- ☐ Potential to affect property and infrastructure; and
- ☐ Cost of replacement.

### Eligibility Criteria - Inland Ecological Restoration Limited Project (310 CMR 10.53(4))

Complete this Eligibility Criteria Checklist **before** filling out a Notice of Intent Application to determine if your project qualifies as an Inland Ecological Restoration Limited Project. (310 CMR 10.53(4)) Sign the Eligibility Certification at the end of Appendix B, and attach the checklist with supporting documentation and the Eligibility Certification to your Notice of Intent Application.

#### General Eligibility Criteria for All Inland Ecological Restoration Limited Projects

Notwithstanding the requirements of any other provision of 310 CMR 10.25 through 10.35, 310 CMR 10.54 through 10.58, and 310 CMR 10.60, the Issuing Authority may issue an Order of Conditions permitting an Ecological Restoration Project listed in 310 CMR 10.53(4)(e) as an Ecological Restoration Limited Project and impose such conditions as will contribute to the interests identified in M.G.L. c. 131, § 40, provided that:

- ☐ The project is an Ecological Restoration Project as defined in 310 CMR 10.04 and is a project type listed below [310 CMR 10.53(4)(e)].
  - ☐ Dam Removal
  - ☐ Freshwater Stream Crossing Repair and Replacement
  - ☐ Stream Daylighting
  - ☐ Tidal Restoration
  - ☐ Rare Species Habitat Restoration
  - ☐ Restoring Fish Passageways



# **WPA Form 3 – Notice of Intent**

## **Appendix A: Ecological Restoration Limited Project Checklists**

City/Town

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

### **Eligibility Criteria - Inland Ecological Restoration Limited Project (310 CMR 10.53(4)) (cont.)**

#### **General Eligibility Criteria for All Inland Ecological Restoration Limited Projects**

- ☐ The project will further at least one of the WPA (M.G.L. c. 131, § 40) interests identified below.
  - ☐ Protection of public or private water supply
  - ☐ Protection of ground water supply
  - ☐ Flood control
  - ☐ Storm damage prevention
  - ☐ Prevention of pollution
  - ☐ Protection of land containing shellfish
  - ☐ Protection of fisheries
  - ☐ Protection of wildlife habitat
- ☐ If the project will impact an area located within estimated habitat which is indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetlands, a NHESP preliminary written determination is attached to the NOI submittal that the project will have no adverse long-term and short-term effects on specified habitat sites of Rare Species or the project will be carried out in accordance with an approved NHESP habitat management plan.
- ☐ The project will be carried out in accordance with any time of year restrictions or other conditions recommended by the Division of Marine Fisheries for coastal waters and the Division of Fisheries and Wildlife in accordance with 310 CMR 10.11(3).
- ☐ If the project involves the dredging of 100 cubic yards of sediment or more or dredging of any amount in an Outstanding Resource Water, a Water Quality Certification has been applied for or obtained.
- ☐ The project complies with all applicable provisions of 310 CMR 10.53(1), (2), (7), and (8).



# WPA Form 3 – Notice of Intent

## Appendix A: Ecological Restoration Limited Project Checklists

City/Town

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

### Eligibility Criteria - Inland Ecological Restoration Limited Project (310 CMR 10.53(4)) (cont.)

#### Additional Eligibility Criteria for Specific Inland Ecological Restoration Limited Project Types

These additional criteria must be met to qualify as an Ecological Restoration Limited Project to ensure that the restoration and improvement of the natural capacity of a Resource Area to protect and sustain the interests identified in the WPA is **necessary** to achieve the project's ecological restoration goals.

- ☐ This project application meets the eligibility criteria for Ecological Restoration Limited Project in accordance with [310 CMR 10.53(4)(a) through (d) and as proposed, furthers at least one of the WPA interests is for the project type identified below:

☐ **Dam Removal**

- ☐ Project is consistent with MassDEP's 2007 Dam Removal Guidance.

☐ **Freshwater Stream Crossing Repair and Replacement.** The project as proposed and the NOI describes how:

- ☐ Meeting the eligibility criteria set forth in 310 CMR 10.13 would result in significant stream instability or flooding hazard that cannot otherwise be mitigated, and site constraints make it impossible to meet said criteria.
- ☐ The project design ensures that the stability of the bank is NOT impaired.
- ☐ To the maximum extent practicable, the project provides for the restoration of the stream upstream and downstream of the structure as needed to restore stream continuity and eliminate barriers to aquatic organism movement.
- ☐ The project complies with the requirements of 310 CMR 10.53(7) and (8).

☐ **Stream Daylighting Projects**

- ☐ The project meets the eligibility criteria for Ecological Restoration Limited Project [310 CMR 10.53(4)(a) through (d)] and as proposed the NOI describes how the proposed project meets to the maximum extent practicable, consistent with the project's ecological restoration goals, all the performance standards for Bank and Land Under Water Bodies and Waterways.
- ☐ The project meets the requirements of 310 CMR 10.12(1) and (2) and a wildlife habitat evaluation is not included in the NOI.

☐ **Tidal Restoration Project**

- ☐ Restores tidal flow.
- ☐ the project, including any proposed flood mitigation measures, will not significantly increase flooding or storm damage to the built environment, including without limitation, buildings, wells, septic systems, roads or other man-made structures or infrastructure.



# WPA Form 3 – Notice of Intent

## Appendix A: Ecological Restoration Limited Project Checklists

City/Town

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

### Eligibility Criteria - Inland Ecological Restoration Limited Project (310 CMR 10.53(4)) (cont.)

- ☐ **Other Ecological Restoration Projects** that meet the criteria set forth in 310 CMR 10.24(8)(a) through (d).
  - ☐ Restoration, enhancement, or management of Rare Species habitat.
  - ☐ Restoration of hydrologic and habitat connectivity.
  - ☐ Removal of aquatic nuisance vegetation to impede eutrophication.
  - ☐ Thinning or planting of vegetation to improve habitat value.
  - ☐ Riparian corridor re-naturalization.
  - ☐ River floodplain re-connection.
  - ☐ In-stream habitat enhancement.
  - ☐ Fill removal and re-grading.
  - ☐ Flow restoration.
  - ☐ Installation of fish passage structures.
  - ☐ Invasive species management.
  - ☐ Other. Describe: \_\_\_\_\_
- ☐ This project involves the construction, repair, replacement or expansion of public or private infrastructure. (310 CMR 10.53(7))
  - ☐ The NOI attachment labeled \_\_\_\_\_ is an operation and maintenance plan to ensure that the infrastructure will continue to function as designed.
  - ☐ The operation and maintenance plan will be implemented as a continuing condition in the Order of Conditions and the Certificate of Compliance.
- ☐ This project replaces an existing stream crossing (310 CMR 10.53(8)). The crossing type:
  - ☐ Replaces an existing non-tidal crossing designed to comply with the Massachusetts Stream Crossing Standards to the maximum extent practicable with details provided in the NOI.
  - ☐ Replaces an existing tidal crossing that restricts tidal flow. The tidal restriction will be eliminated to the maximum extent practicable.



# WPA Form 3 – Notice of Intent

## Appendix A: Ecological Restoration Limited Project Checklists

City/Town

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

### Eligibility Criteria - Inland Ecological Restoration Limited Project (310 CMR 10.53(4)) (cont.)

- ☐ At a minimum, in evaluating the potential to comply with the standards to the maximum extent practicable the following criteria have been consider site constraints in meeting the standard, undesirable effects or risk in meeting the standard, and the environmental benefit of meeting the standard compared to the cost, by evaluating the following:
  - ☐ The potential for downstream flooding;
  - ☐ Upstream and downstream habitat (in-stream habitat, wetlands);
  - ☐ Potential for erosion and head-cutting;
  - ☐ Stream stability;
  - ☐ Habitat fragmentation caused by the crossing;
  - ☐ The amount of stream mileage made accessible by the improvements;
  - ☐ Storm flow conveyance;
  - ☐ Engineering design constraints specific to the crossing;
  - ☐ Hydrologic constraints specific to the crossing;
  - ☐ Impacts to wetlands that would occur by improving the crossing;
  - ☐ Potential to affect property and infrastructure; and
  - ☐ Cost of replacement.



# WPA Form 3 – Notice of Intent

## Appendix A: Ecological Restoration Limited Project Checklists

City/Town

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

### Required Actions (310 CMR 10.11)

Complete the Required Actions before submitting a Notice of Intent Application for an Ecological Restoration Project and submit a completed copy of this Checklist with the Notice of Intent.

- ☐ **Massachusetts Environmental Policy Act (MEPA) / Environmental Monitor**  
<http://www.mass.gov/eea/agencies/mepa/submitting-notice-to-the-environmental-monitor.html>

For Ecological Restoration Limited Projects, there are no changes to MEPA requirements.

- ☐ Submit written notification at least 14 days prior to the filing of a Notice of Intent (NOI) to the Environmental Monitor for publication. A copy of the written notification is attached and provides at minimum:
- ☐ A brief description of the proposed project.
  - ☐ The anticipated NOI submission date to the conservation commission.
  - ☐ The name and address of the conservation commission that will review the NOI.
  - ☐ Specific details as to where copies of the NOI may be examined or acquired and where to obtain the date, time, and location of the public hearing.

- ☐ **Massachusetts Endangered Species Act (MESA) /Wetlands Protection Act Review**

- ☐ Preliminary Massachusetts Endangered Species Act Review from the Natural Heritage and Endangered Species Program (NHESP) has been met and the written determination is attached.

- ☐ Supplemental Information for Endangered Species Review has been submitted.

1. ☐ Percentage/acreage of property to be altered:

- a. Within Wetland Resource Area

Percentage/acreage

- b. Outside Wetland Resource Area

Percentage/acreage

2. ☐ Assessor's Map or right-of-way plan of site

3. ☐ Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work.

4. ☐ Project description (including description of impacts outside of wetland resource area & buffer zone)

5. ☐ Photographs representative of the site

6. ☐ MESA filing fee (fee information available at

[http://www.mass.gov/dfwele/dfw/nhesp/regulatory\\_review/mesa/mesa\\_fee\\_schedule.htm](http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/mesa/mesa_fee_schedule.htm))



# WPA Form 3 – Notice of Intent

## Appendix A: Ecological Restoration Limited Project Checklists

City/Town

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

### Required Actions (310 CMR 10.11) (cont.)

Make check payable to “Commonwealth of Massachusetts - NHESP” and mail to NHESP:

#### Natural Heritage & Endangered Species Program

MA Division of Fisheries & Wildlife  
1 Rabbit Hill Road  
Westborough, MA 01581

7. Projects altering 10 or more acres of land, also submit:

- a. ☐ Vegetation cover type map of site
- b. ☐ Project plans showing Priority & Estimated Habitat boundaries

#### OR Check One of the Following:

1. ☐ Project is exempt from MESA review.

Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, <http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/regulatory-review/mass-endangered-species-act-mesa/>; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59 – see C4 below)

2. ☐ Separate MESA review ongoing.

a. NHESP Tracking #

b. Date submitted to NHESP

3. ☐ Separate MESA review completed. Include copy of NHESP “no Take” determination or valid Conservation & Management Permit with approved plan.

#### ☐ Estimated Habitat Map of State-Listed Rare Wetlands Wildlife

If a portion of the proposed project is located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP), complete the portion below. To view habitat maps, see the **Massachusetts Natural Heritage Atlas** or view the maps electronically at: <http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/regulatory-review>

- ☐ A preliminary written determination from Natural Heritage and Endangered Species Program (NHESP) must be obtained indicating that:
- ☐ Project will NOT impact an area located within estimated habitat indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetlands Wildlife published by NHESP.
- ☐ Project will impact an area located within estimated habitat indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetlands Wildlife published by NHESP. A copy of NHESP’s written preliminary determination in accordance with 310 CMR 10.11(2) is attached. This specifies:
- ☐ Date of the map: \_\_\_\_\_



# WPA Form 3 – Notice of Intent

## Appendix A: Ecological Restoration Limited Project Checklists

City/Town

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

### Required Actions (310 CMR 10.11) (cont.)

- ☐ If the Rare Species identified is/are likely to continue to be located on or near the project, and if so, whether the Resource Area to be altered is in fact part of the habitat of the Rare Species.
- ☐ That if the project alters Resource Area(s) within the habitat of a Rare Species:
  - ☐ The Rare Species is identified;
  - ☐ NHESP's recommended changes or conditions necessary to ensure that the project will have no short or long term adverse effect on the habitat of the local population of the Rare Species is provided; or
  - ☐ An approved NHESP habitat management plan is attached with this Notice of Intent.

Send the request for a preliminary determination to:  
Natural Heritage & Endangered Species Program  
MA Division of Fisheries & Wildlife  
1 Rabbit Hill Road  
Westborough, MA 01581

#### ☐ Division of Marine Fisheries

- ☐ If the project will occur within a coastal waterbody with a restricted Time of Year, [see Appendix B of the Division of Marine Fisheries (DMF) Technical Report TR 47 "Marine Fisheries Time of Year Restrictions (TOYs) for Coastal Alteration Projects" dated April 2011  
<http://www.nae.usace.army.mil/Portals/74/docs/regulatory/StateGeneralPermits/NEGP/MADMFTTR-47.pdf>].
- ☐ Obtain a DMF written determination stating:
  - ☐ The proposed work does NOT require a TOY restriction.
  - ☐ The proposed work requires a TOY restriction. Specific recommended TOY restriction and recommended conditions on the proposed work is attached.
- ☐ If the project may affect a diadromous fish run [re: Division of Marine Fisheries (DMF) Technical Reports TR 15 through 18, dated 2004:  
<http://www.mass.gov/eea/agencies/dfg/dmf/publications/technical.html>]
- ☐ Obtain a DMF written determination stating:
  - ☐ The design specifications and operational plan for the project are compatible with the passage requirements of the fish run.
  - ☐ The design specifications and operational plan for the project are not compatible with the passage requirements of the fish run.





# WPA Form 3 – Notice of Intent

## Appendix A: Ecological Restoration Limited Project Checklists

City/Town

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

### Required Actions (310 CMR 10.11) (cont.)

Send the request for a written determination to:

Division of Marine Fisheries - Southeast  
Marine Fisheries Station  
Attn: Environmental Reviewer  
1213 Purchase Street – 3rd Floor  
New Bedford, MA 02740-6694

North Shore - Hull to New Hampshire:  
Division of Marine Fisheries - North Shore  
Office  
Attn: Environmental Reviewer  
30 Emerson Avenue  
Gloucester, MA 01930

- ☐ **Division of Fisheries and Wildlife** – <http://www.mass.gov/eea/agencies/dfg/dfw/>
- ☐ Projects that involve silt-generating, in-water work that will impact a non-tidal perennial river or stream and the in-water work will not occur between May 1 and August 30.
- ☐ Obtain a written determination from the Division of Fisheries and Wildlife (DFW) as to whether the proposed work requires a TOY restriction.
- ☐ The proposed work does NOT require a TOY restriction.
- ☐ The proposed work requires a TOY restriction. The DFW determination with TOY restriction and other conditions is attached.
- ☐ **MassDEP Water Quality Certification**
- ☐ Project involves dredging of 100 cubic yards or more in a Resource Area or dredging of any amount in an Outstanding Resource Water (ORW). A copy and proof of the MassDEP Water Quality Certification pursuant to 314 CMR 9.00 is attached to the NOI.
- ☐ This project is a Combined Permit Application for 401 Dredging and Restoration (BRP WW 26).
- ☐ **MassDEP Wetlands Restriction Order**
- Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?
- ☐ Yes    ☐ No
- ☐ **Department of Conservation and Recreation**
- Office of Dam Safety**
- ☐ For Dam Removal Projects, obtain a written determination from the Department of Conservation and Recreation Office of Dam Safety that the dam is not subject to the jurisdiction of the Office under 302 CMR 10.00, a written determination that the dam removal does not require a permit under 302 CMR 10.00 or a permit authorizing the dam removal in accordance with 302 CMR 10.00 has been issued.



# WPA Form 3 – Notice of Intent

## Appendix A: Ecological Restoration Limited Project Checklists

City/Town

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

### Required Actions (310 CMR 10.11) (cont.)

#### Areas of Critical Environmental Concern (ACECs)

Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?

☐ Yes

☐ No

If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations).

### Minimum Required Documents (310 CMR 10.12)

Complete the Required Documents Checklist below and provide supporting materials before submitting a Notice of Intent Application for an Ecological Restoration Project.

- ☐ This Notice of Intent meets all applicable requirements outlined in for Ecological Restoration Projects in 310 CMR 10.12. Use the checklist below to insure that all documentation is included with the NOI.

At a minimum, a Notice of Intent for an Ecological Restoration Project shall include the following:

- ☐ Description of the project's ecological restoration goals;
- ☐ The location of the Ecological Restoration Project;
- ☐ Description of the construction sequence for completing the project;
- ☐ A map of the Areas Subject to Protection Under M.G.L. c. 131, § 40, that will be temporarily or permanently altered by the project or include habitat for Rare Species, Habitat of Potential Regional and Statewide Importance, eel grass beds, or Shellfish Suitability Areas.
- ☐ The method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.) is attached with documentation methodology.
- ☐ List the titles and dates for all plans and other materials submitted with this NOI.

a. Plan Title

b. Prepared by

c. Signed and Stamped by

d. Final Revision Date

e. Scale

f. Additional Plan or Document Title

g. Date

- ☐ If there is more than one property owner, attach a list of these property owners not listed on this form.
- ☐ Attach NOI Wetland Fee Transmittal Form.



# WPA Form 3 – Notice of Intent

## Appendix A: Ecological Restoration Limited Project Checklists

City/Town

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

### Minimum Required Documents (310 CMR 10.12)

- ☐ An evaluation of any flood impacts that may affect the built environment, including without limitation, buildings, wells, septic systems, roads or other man-made structures or infrastructure as well as any proposed flood impact mitigation measures;
- ☐ A plan for invasive species prevention and control;
- ☐ The Natural Heritage and Endangered Species Program written determination in accordance with 310 CMR 10.11(2), if needed;
- ☐ Any Time of Year restrictions and/or other conditions recommended by the Division of Marine Fisheries or the Division of Fisheries and Wildlife in accordance with 310 CMR 10.11(3), (4), (5), if needed;
- ☐ Proof that notice was published in the Environmental Monitor as required by 310 CMR 10.11(1);
- ☐ A certification by the applicant under the penalties of perjury that the project meets the eligibility criteria set forth in 310 CMR 10.13;
- ☐ If the Ecological Restoration Project involves the construction, repair, replacement or expansion of infrastructure, an operation and maintenance plan to ensure that the infrastructure will continue to function as designed;
- ☐ If the project involves dredging of 100 cubic yards or more or dredging of any amount in an Outstanding Resource Water, a Water Quality Certification issued by the Department pursuant to 314 CMR 9.00;
- ☐ If the Ecological Restoration Project involves work on a stream crossing, information sufficient to make the showing required by 310 CMR 10.24(10) for work in a coastal resource area and 310 CMR 10.53(8) for work in an inland resource area; and
- ☐ If the Ecological Restoration Project involves work on a stream crossing, baseline photo-points that capture longitudinal views of the crossing inlet, the crossing outlet and the upstream and downstream channel beds during low flow conditions. The latitude and longitude coordinates of the photo-points shall be included in the baseline data.
- ☐ This project is subject to provisions of the MassDEP Stormwater Management Standards. A copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) is attached.
- ☐ Provide information as to whether the project has the potential to impact private water supply wells including agricultural or aquacultural wells or surface water withdrawal points.



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands

Provided by MassDEP:

**WPA Form 3 – Notice of Intent**  
**Appendix A: Ecological Restoration Limited**  
**Project Checklists**

MassDEP File Number

Document Transaction Number

Arlington

City/Town

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**Certification that the Ecological Restoration Project Meets the**  
**Eligibility Criteria**

I hereby certify under penalties of perjury that the Ecological Restoration Project Notice of Intent application does not meet the Eligibility criteria for an Ecological Restoration Order of Conditions set forth in 310 CMR 10.13, but does meet the Eligibility Criteria for a Ecological Restoration Limited Project set forth in 10.24(8) or 10.53(4) whichever is applicable. I certify that I am familiar with the information contained in the application, and that to the best of my knowledge and belief such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities.

  
Emily Sullivan (May 6, 2021 08:40 EDT)

Signature of Applicant or Authorized Agent

  
Emily Sullivan (May 6, 2021 08:40 EDT)

Printed Name of Applicant or Authorized Agent

5/6/2021

Date

The certification must be signed by the applicant; however, it may be signed by a duly authorized agent (named in Item 2) if this form is accompanied by a statement by the applicant designating the agent and agreeing to furnish upon request, supplemental information in support of the application.

---

## ***ATTACHMENT A***

### **Abutter Notification**



Office of the Board of Assessors  
Robbins Memorial Town Hall  
Arlington, MA 02476  
(781) 316-3050  
Assessors@town.arlington.ma.us

## **Abutters List**

Date: May 11, 2021

Subject Property: SPY POND, Arlington, MA

Search Distance: 100 Feet - CONSERVATION

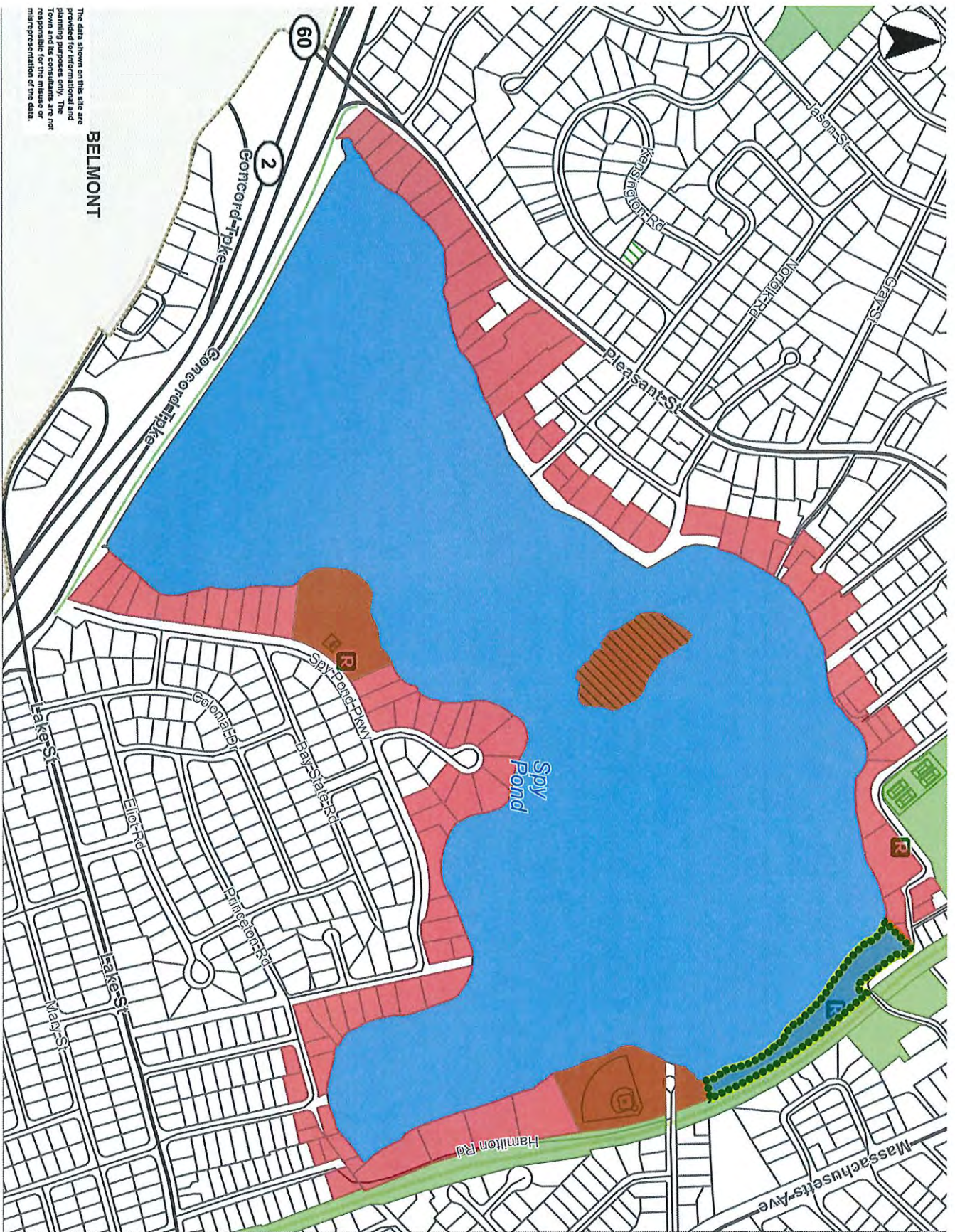
The Board of Assessors certifies the names and addresses of requested parties in interest, all abutters to SPY POND within 100 feet.

*Kenneth L. Feeley*  
*Robert E. Greeley*  
*[Signature]*

---

**Board of Assessors**





The data shown on this site are provided for informational and planning purposes only. The town and its boundaries are not responsible for any errors or omissions in the data. This is a preliminary representation of the data.

## BELMONT

660 1320 ft

Printed on 05/11/2021 at 11:03 AM

- Placed by Category**
- Fire Station
  - Library
  - Public Works
  - Recreation - Facilities
  - Recreation - Fields Courts
  - Recreation - Fields Courts
  - Open Space: Conservation
  - Open Space - Mammalian
  - Open Space - Labels
  - Open Space - Open State, or Private
  - MA Highways
  - Interstate
  - US Highway
  - Numbered Routes
  - Abutting Towns
  - Town Boundary
  - Parcels
  - Buildings
  - Cemetery - Roads
  - Road4
  - Road3
  - Road2
  - Road1
  - Pavement Markings
  - Imperious Surface - For B
  - Street
  - Street Island
  - Driveway
  - Parking Lot
  - Bike Path
  - Roads - For Large Scale (ft)
  - Roads - For Small Scale (ft)
  - Local Road
  - Master Plan Base Map - M
  - Water Line
  - Water Body





Abutters List

Date: May 11, 2021

Subject Property: Spy Pond

Search Distance: 100 Feet – Conservation

Prop ID: 10-5-6

Prop Location: 49 POND LN Arlington, MA

Owner: PHELPS CHRISTOPHER B & HEATHER

Co-Owner:

Mailing Address:

49 POND LANE

ARLINGTON, MA 02474

Prop ID: 10-5-7.A

Prop Location: 51-53 POND LN Arlington, MA

Owner: A.B.G.C. FRIENDS INC.

Co-Owner:

Mailing Address:

C/O DEREK CURRAN

60 POND LN

ARLINGTON, MA 02476

Prop ID: 10-5-9

Prop Location: 56 POND LN Arlington, MA

Owner: ARLINGTON ELKS BLDG CORP

Co-Owner:

Mailing Address:

56 POND LANE

ARLINGTON, MA 02474

Prop ID: 10.A-5-1

Prop Location: 46-48 POND LN UNIT 1 Arlington, MA

Owner: MORRISON LAI-KUEN & DONALD M

Co-Owner:

Mailing Address:

46 POND LN UNIT 1

ARLINGTON, MA 02474

Prop ID: 10.A-5-2

Prop Location: 46-48 POND LN UNIT 2 Arlington, MA

Owner: RUSSELL KAREN J

Co-Owner:

Mailing Address:

46 POND LANE UNIT 2

ARLINGTON, MA 02474

Prop ID: 12-1-1

Prop Location: 40-42 ALFRED RD Arlington, MA

Owner: PERO JAMES L--ETAL

Co-Owner: PERO BEVERLY J

Mailing Address:

43 CANDLEBERRY LANE

HARVARD, MA 01451

Prop ID: 121-1-8

Prop Location: 24-26 LAKEVIEW Arlington, MA

Owner: BOWES ROBERT E

Co-Owner:

Mailing Address:

26 LAKEVIEW

ARLINGTON, MA 02476

Prop ID: 121-2-10

Prop Location: 36 PEABODY RD Arlington, MA

Owner: JESSEN IAN

Co-Owner: HATCH ELIZA

Mailing Address:

36 PEABODY RD

ARLINGTON, MA 02476

Prop ID: 12-1-22

Prop Location: 41-43 PONDVIEW RD Arlington, MA

Owner: MURPHY KATHRYN & GLENN

Co-Owner: MURPHY EMMA & DITTO DREW

Mailing Address:

41-43 PONDVIEW RD

ARLINGTON, MA 02474

Prop ID: 121-2-9

Prop Location: 45 HOPKINS RD Arlington, MA

Owner: CAP GMBH

Co-Owner:

Mailing Address:

PO BOX 292

ARLINGTON, MA 02476

Prop ID: 121-3-11

Prop Location: 0-LOT HOPKINS RD Arlington, MA

Owner: TIFFANY ANDREW/CAROLYN

Co-Owner:

Mailing Address:

44 HOPKINS RD

ARLINGTON, MA 02476

Prop ID: 121-4-11

Prop Location: 0-LOT ADDISON ST Arlington, MA

Owner: TOWN OF ARLINGTON CHAP 111

Co-Owner: TOWN MANAGER

Mailing Address:

730 MASS AVE

ARLINGTON, MA 02476

Prop ID: 121-4-11.A

Prop Location: 0-LOT ADDISON ST Arlington, MA

Owner: TOWN OF ARLINGTON

Co-Owner:

Mailing Address:

730 MASS AVE

ARLINGTON, MA 02476

Prop ID: 121-4-12

Prop Location: 36 ADDISON ST Arlington, MA

Owner: CHASAN GWEN B

Co-Owner:

Mailing Address:

36 ADDISON STREET

ARLINGTON, MA 02476



-----  
Prop ID: 121-4-13  
Prop Location: 34 ADDISON ST Arlington, MA  
Owner: SMITH ANA R/TRUSTEE  
Co-Owner: ANA SMITH TRUST  
Mailing Address:  
34 ADDISON ST  
ARLINGTON, MA 02476  
-----

Prop ID: 121-4-9.A  
Prop Location: 39 WELLINGTON ST UNIT A Arlington, MA  
Owner: HOWARD PETER M & KEIKO  
Co-Owner:  
Mailing Address:  
39 WELLINGTON ST #39  
ARLINGTON, MA 02476  
-----

Prop ID: 121-4-9.B  
Prop Location: 39 WELLINGTON ST UNIT B Arlington, MA  
Owner: TABERNER AIMEE LAURA  
Co-Owner:  
Mailing Address:  
41 WELLINGTON ST  
ARLINGTON, MA 02476  
-----

Prop ID: 121-6-2  
Prop Location: 0-LOT POND LN Arlington, MA  
Owner: TOWN OF ARLINGTON PARK  
Co-Owner:  
Mailing Address:  
730 MASS AVE  
ARLINGTON, MA 02476  
-----

Prop ID: 121-7-1  
Prop Location: 60 POND LN Arlington, MA  
Owner: ARLINGTON BOYS CLUB INC  
Co-Owner:  
Mailing Address:  
60 POND LANE  
ARLINGTON, MA 02474  
-----

Prop ID: 121.A-3-10  
Prop Location: 33 ADDISON ST UNIT 33 Arlington, MA  
Owner: MACDONALD KYLE  
Co-Owner:  
Mailing Address:  
33 ADDISON ST  
ARLINGTON, MA 02476  
-----

Prop ID: 121.A-3-11  
Prop Location: 33 ADDISON ST UNIT 35 Arlington, MA  
Owner: LOUISE DOROTHY  
Co-Owner:  
Mailing Address:  
35 ADDISON ST UNIT 2  
ARLINGTON, MA 02476  
-----

Prop ID: 122-4-1  
Prop Location: 10 CHAPMAN ST Arlington, MA  
Owner: LOH SALLY WO-KWUN  
Co-Owner:  
Mailing Address:  
10 CHAPMAN STREET  
ARLINGTON, MA 02476

-----  
Prop ID: 122-4-10  
Prop Location: 0-LOT SPRING VALLEY Arlington, MA  
Owner: JARDINE ALICE A /TRUSTEE  
Co-Owner: ALICE A JARDINE TRUST  
Mailing Address:  
21 SPRING VALLEY  
ARLINGTON, MA 02476  
-----

Prop ID: 122-4-13.A  
Prop Location: 25 SPRING VALLEY Arlington, MA  
Owner: CARTER E EUGENE--ETAL  
Co-Owner: RITA RODRIGUEZ  
Mailing Address:  
25 SPRING VALLEY  
ARLINGTON, MA 02476  
-----

Prop ID: 122-4-16  
Prop Location: 0-LOT SHORE RD Arlington, MA  
Owner: CARTER E EUGENE--ETAL  
Co-Owner: RITA RODRIGUEZ  
Mailing Address:  
25 SPRING VALLEY  
ARLINGTON, MA 02476  
-----

Prop ID: 122-5-16.B  
Prop Location: 19 LAKEVIEW Arlington, MA  
Owner: BARBERA MARIANNE  
Co-Owner:  
Mailing Address:  
19 LAKEVIEW  
ARLINGTON, MA 02476  
-----

Prop ID: 122-5-17  
Prop Location: 17-1/2 LAKEVIEW Arlington, MA  
Owner: BOUDREAU MARK E &  
Co-Owner: ZEILER KATHRYN M  
Mailing Address:  
17 LAKEVIEW ST # 1/2  
ARLINGTON, MA 02476-8117  
-----

Prop ID: 122-6-10  
Prop Location: 0-LOT SHORE RD Arlington, MA  
Owner: MURDOCK GREGORY P  
Co-Owner: EVANS MARA S  
Mailing Address:  
34 GOULD RD  
ARLINGTON, MA 02476  
-----

Prop ID: 122-6-11  
Prop Location: 34 GOULD RD Arlington, MA  
Owner: MURDOCK GREGORY P  
Co-Owner: EVANS MARA S  
Mailing Address:  
34 GOULD RD  
ARLINGTON, MA 02476  
-----

Prop ID: 122-6-12  
Prop Location: 30 GOULD RD Arlington, MA  
Owner: GILLETTE JONATHON H/ TRUSTEE  
Co-Owner: JONATHON H GILLETTE LIVING TR  
Mailing Address:  
30 GOULD ROAD  
ARLINGTON, MA 02476

-----  
Prop ID: 122-6-6  
Prop Location: 0-LOT CHAPMAN ST Arlington, MA  
Owner: BERMAN JUDITH L/TRUSTEE  
Co-Owner: JUDITH L BERMAN REVOCABLE TR  
Mailing Address:  
4 DEVEREAUX ST  
ARLINGTON, MA 02476  
-----

Prop ID: 122-6-7  
Prop Location: 0-LOT SHORE RD Arlington, MA  
Owner: STARK MARGO D/ETAL  
Co-Owner: FREUNDLICH DOUGLAS  
Mailing Address:  
8 DEVEREAUX STREET  
ARLINGTON, MA 02476  
-----

Prop ID: 122-6-8.A  
Prop Location: 0-LOT SHORE RD Arlington, MA  
Owner: RICCI GERALDINE R  
Co-Owner: RICCI STEPHEN J  
Mailing Address:  
10 DEVEREAUX ST  
ARLINGTON, MA 02476  
-----

Prop ID: 122-6-9  
Prop Location: 14 DEVEREAUX ST Arlington, MA  
Owner: MACPHERSON WILLIAM  
Co-Owner: LYDECKER KATHERINE  
Mailing Address:  
14 DEVEREAUX ST  
ARLINGTON, MA 02476  
-----

Prop ID: 122-7-1  
Prop Location: 0-LOT ELIZABETH ISLAND Arlington, MA  
Owner: ARLINGTON LAND TRUST, INC  
Co-Owner:  
Mailing Address:  
PO BOX 492  
ARLINGTON, MA 02476  
-----

Prop ID: 123-2-1  
Prop Location: 240 PLEASANT ST Arlington, MA  
Owner: BALAZS MARIANNE E  
Co-Owner:  
Mailing Address:  
19 ANNETT AVE  
EDGEWATER, NJ 07020  
-----

Prop ID: 123-2-14.A  
Prop Location: 21 GOULD RD Arlington, MA  
Owner: SNODGRASS JENNIFER  
Co-Owner: BELKNAP PETER C  
Mailing Address:  
21 GOULD ROAD  
ARLINGTON, MA 02476  
-----

Prop ID: 123-2-15.A  
Prop Location: 0-LOT GOULD RD Arlington, MA  
Owner: SULLIVAN KARA  
Co-Owner: LINDGREN JOHN LEE  
Mailing Address:  
25 GOULD RD  
ARLINGTON, MA 02476

-----  
Prop ID: 123-2-16.A  
Prop Location: 25 GOULD RD Arlington, MA  
Owner: SULLIVAN KARA  
Co-Owner: LINDGREN JOHN LEE  
Mailing Address:  
25 GOULD RD  
ARLINGTON, MA 02476  
-----

Prop ID: 123-2-17  
Prop Location: 0-LOT SHORE RD Arlington, MA  
Owner: SULLIVAN KARA  
Co-Owner: LINDGREN JOHN LEE  
Mailing Address:  
25 GOULD RD  
ARLINGTON, MA 02476  
-----

Prop ID: 123-2-2.A  
Prop Location: 232 PLEASANT ST UNIT A Arlington, MA  
Owner: FRIIS JACOB & HYUN-A PARK  
Co-Owner:  
Mailing Address:  
232 PLEASANT STREET  
ARLINGTON, MA 02476  
-----

Prop ID: 123-2-2.B  
Prop Location: 232 PLEASANT ST UNIT B Arlington, MA  
Owner: DUFFY NIAL & SABINE  
Co-Owner:  
Mailing Address:  
6704 WEMBERLY WAY  
MCLEAN, VA 22101  
-----

Prop ID: 123-2-3  
Prop Location: 224-226 PLEASANT ST Arlington, MA  
Owner: PERELI JULIUS R & MARTHA G  
Co-Owner:  
Mailing Address:  
224-226 PLEASANT ST  
ARLINGTON, MA 02476  
-----

Prop ID: 123-2-4  
Prop Location: 220 PLEASANT ST Arlington, MA  
Owner: HIBBETT AKIKO Y/ TRUSTEE  
Co-Owner: AKIKO HIBBETT FAMILY TRUST  
Mailing Address:  
C/O DAVID HIBBETT  
48 OAK DR  
UPTON, MA 01568  
-----

Prop ID: 123-2-6  
Prop Location: 218 PLEASANT ST Arlington, MA  
Owner: LIU YU-HSIU  
Co-Owner: ISIK IBRAHIM  
Mailing Address:  
218 PLEASANT ST  
ARLINGTON, MA 02476  
-----

Prop ID: 123-2-6.E  
Prop Location: 212 PLEASANT ST Arlington, MA  
Owner: PAHIGIAN CHRISTINE  
Co-Owner:  
Mailing Address:  
200 S BROADWAY  
HASTINGS-ON-HUDSON, NY 10706

-----  
Prop ID: 123-2-7  
Prop Location: 208 PLEASANT ST Arlington, MA  
Owner: HARTES LLC  
Co-Owner:  
Mailing Address:  
136 BOYLSTON ST UNIT 4  
BOSTON, MA 02116  
-----

Prop ID: 123-2-7.A  
Prop Location: 204-206 PLEASANT ST Arlington, MA  
Owner: ARONSON RICHARD B/ TRUSTEE  
Co-Owner: SIRAH REALTY TRUST  
Mailing Address:  
204 PLEASANT ST  
ARLINGTON, MA 02476  
-----

Prop ID: 123-2-7.B  
Prop Location: 210 PLEASANT ST Arlington, MA  
Owner: HART ALEXIS C  
Co-Owner:  
Mailing Address:  
208 PLEASANT ST  
ARLINGTON, MA 02476  
-----

Prop ID: 12-4-1.A  
Prop Location: 15 PRINCETON RD Arlington, MA  
Owner: MUSIAL PETER M &  
Co-Owner: MUSIAL-SIWEK MONIKA  
Mailing Address:  
15 PRINCETON RD  
ARLINGTON, MA 02474  
-----

Prop ID: 12-4-2  
Prop Location: 47 SPY POND LN Arlington, MA  
Owner: CONNOLLY MICHAEL ROBERT  
Co-Owner:  
Mailing Address:  
47 SPY POND LN  
ARLINGTON, MA 02474  
-----

Prop ID: 12-4-2.A  
Prop Location: 49 SPY POND LN Arlington, MA  
Owner: SEAVER PROPERTIES LLC  
Co-Owner:  
Mailing Address:  
215 LEXINGTON ST  
WOBURN, MA 01801  
-----

Prop ID: 12-4-3  
Prop Location: 11 PRINCETON RD Arlington, MA  
Owner: FERBER BENJAMIN E &  
Co-Owner: DONOFRIO AIMEE K  
Mailing Address:  
11 PRINCETON ROAD  
ARLINGTON, MA 02474  
-----

Prop ID: 12-4-4  
Prop Location: 9 PRINCETON RD Arlington, MA  
Owner: CAMERON MELANIE  
Co-Owner:  
Mailing Address:  
9 PRINCETON RD  
ARLINGTON, MA 02474  
-----

-----  
Prop ID: 137-5-1  
Prop Location: 244 PLEASANT ST Arlington, MA  
Owner: ROSENFELD BRUCE A/ TRUSTEE  
Co-Owner: BERNARD G & GERALDINE R SEGAL  
Mailing Address:  
244 PLEASANT STREET  
ARLINGTON, MA 02476  
-----

Prop ID: 137-5-2  
Prop Location: 246 PLEASANT ST Arlington, MA  
Owner: EYKAMP WILLIAM & MYRIEL C  
Co-Owner:  
Mailing Address:  
246 PLEASANT STREET  
ARLINGTON, MA 02476  
-----

Prop ID: 137-5-3  
Prop Location: 248 PLEASANT ST Arlington, MA  
Owner: YU ZHENHONG  
Co-Owner: YU YUE  
Mailing Address:  
248 PLEASANT ST  
ARLINGTON, MA 02476  
-----

Prop ID: 137-5-4  
Prop Location: 252 PLEASANT ST Arlington, MA  
Owner: SCHWEICH PETER  
Co-Owner:  
Mailing Address:  
252 PLEASANT STREET  
ARLINGTON, MA 02476  
-----

Prop ID: 137-5-5  
Prop Location: 256 PLEASANT ST Arlington, MA  
Owner: SMITH MAUREEN P  
Co-Owner:  
Mailing Address:  
256 PLEASANT STREET  
ARLINGTON, MA 02476  
-----

Prop ID: 18-9-1  
Prop Location: 42 SPY POND PKWY Arlington, MA  
Owner: GALVIN SEAN D/TRUSTEE  
Co-Owner: 389 MASS AVE REALTY TRUST  
Mailing Address:  
630 HIGH STREET  
MEDFORD, MA 02155  
-----

Prop ID: 18-9-2  
Prop Location: 46 SPY POND PKWY Arlington, MA  
Owner: GALVIN SEAN D & MARIMAR  
Co-Owner:  
Mailing Address:  
46 SPY POND PKWY  
ARLINGTON, MA 02474  
-----

Prop ID: 18-9-3  
Prop Location: 38 SPY POND PKWY Arlington, MA  
Owner: HURD JOHN/DALE  
Co-Owner:  
Mailing Address:  
38 SPY POND PKWY  
ARLINGTON, MA 02474  
-----

-----  
Prop ID: 18-9-4  
Prop Location: 34 SPY POND PKWY Arlington, MA  
Owner: CELLA JOSEPH A/STEVEN R  
Co-Owner:  
Mailing Address:  
34 SPY POND PKWY  
ARLINGTON, MA 02474  
-----

Prop ID: 19-1-1  
Prop Location: 50 SPY POND PKWY Arlington, MA  
Owner: COOPER MARGO M  
Co-Owner:  
Mailing Address:  
50 SPY POND PARKWAY  
ARLINGTON, MA 02474  
-----

Prop ID: 19-1-10.A  
Prop Location: 18 SHERATON PK Arlington, MA  
Owner: LAKE G F & L C  
Co-Owner:  
Mailing Address:  
18 SHERATON PARK  
ARLINGTON, MA 02474  
-----

Prop ID: 19-1-11.A  
Prop Location: 22 SHERATON PK Arlington, MA  
Owner: PURCELL DANIEL A & ROBIN/TRS  
Co-Owner: THE PURCELL TRUST  
Mailing Address:  
22 SHERATON PARK  
ARLINGTON, MA 02474  
-----

Prop ID: 19-1-12  
Prop Location: 31 SHERATON PK Arlington, MA  
Owner: SACCO ELAINE M  
Co-Owner:  
Mailing Address:  
24 SHERATON PK  
ARLINGTON, MA 02474  
-----

Prop ID: 19-1-13  
Prop Location: 27 SHERATON PK Arlington, MA  
Owner: NOYES ROBERT W-HARRIET T  
Co-Owner:  
Mailing Address:  
27 SHERATON PK  
ARLINGTON, MA 02474  
-----

Prop ID: 19-1-14  
Prop Location: 23 SHERATON PK Arlington, MA  
Owner: MIETTINEN PASI P  
Co-Owner: GARRETT KATIE  
Mailing Address:  
23 SHERATON PARK  
ARLINGTON, MA 02474  
-----

Prop ID: 19-1-15  
Prop Location: 19 SHERATON PK Arlington, MA  
Owner: MAVALVALA NERGIS  
Co-Owner: KHAN AIDA  
Mailing Address:  
19 SHERATON PARK  
ARLINGTON, MA 02474

-----  
Prop ID: 19-1-16  
Prop Location: 15 SHERATON PK Arlington, MA  
Owner: CEPPI FRANCIS G/TR  
Co-Owner: FRANCIS G CEPPI REVOCABLE  
Mailing Address:  
15 SHERATON PARK  
ARLINGTON, MA 02474  
-----

Prop ID: 19-1-2  
Prop Location: 54 SPY POND PKWY Arlington, MA  
Owner: DE VENECIA RONALD K  
Co-Owner:  
Mailing Address:  
54 SPY POND PKWY  
ARLINGTON, MA 02474  
-----

Prop ID: 19-1-22.A  
Prop Location: 96 SPY POND PKWY Arlington, MA  
Owner: ZIPES JANET L  
Co-Owner:  
Mailing Address:  
96 SPY POND PKWY  
ARLINGTON, MA 02474  
-----

Prop ID: 19-1-23.A  
Prop Location: 100 SPY POND PKWY Arlington, MA  
Owner: TIBBETTS ALETTA & RICHARD  
Co-Owner:  
Mailing Address:  
20 ELIOT RD  
ARLINGTON, MA 02474  
-----

Prop ID: 19-1-24.B  
Prop Location: 104 SPY POND PKWY Arlington, MA  
Owner: HERMAN BETSY H/ LIFE ESTATE  
Co-Owner:  
Mailing Address:  
104 SPY POND PARKWAY  
ARLINGTON, MA 02474  
-----

Prop ID: 19-1-3  
Prop Location: 0-LOT SPY POND PKWY Arlington, MA  
Owner: KELWYN MANOR ASSOCIATION IN  
Co-Owner:  
Mailing Address:  
23 SHERATON PK  
ARLINGTON, MA 02474  
-----

Prop ID: 19-1-4  
Prop Location: 74 SPY POND PKWY Arlington, MA  
Owner: BARBER BRADFORD C  
Co-Owner:  
Mailing Address:  
74 SPY POND PKWY  
ARLINGTON, MA 02474  
-----

Prop ID: 19-1-5  
Prop Location: 76 SPY POND PKWY Arlington, MA  
Owner: PRESTON ALAN/LUANA TRUSTEE  
Co-Owner: 76 SPY POND PKWY TRUST  
Mailing Address:  
76 SPY POND PKWY  
ARLINGTON, MA 02474



-----  
Prop ID: 19-1-6  
Prop Location: 2 SHERATON PK Arlington, MA  
Owner: THOMAS DARCY GRANT/ TRUSTEE  
Co-Owner: DARCY GRANT THOMAS LIVING TR  
Mailing Address:  
2 SHERATON PK  
ARLINGTON, MA 02474  
-----

Prop ID: 19-1-7  
Prop Location: 6 SHERATON PK Arlington, MA  
Owner: FINGER JONATHAN R &  
Co-Owner: KYCIA CAROL ANNE  
Mailing Address:  
6 SHERATON PK  
ARLINGTON, MA 02474  
-----

Prop ID: 19-1-8  
Prop Location: 10 SHERATON PK Arlington, MA  
Owner: PETRYSHEN TRACEY  
Co-Owner:  
Mailing Address:  
10 SHERATON PK  
ARLINGTON, MA 02474  
-----

Prop ID: 19-1-9  
Prop Location: 14 SHERATON PK Arlington, MA  
Owner: TRIBE CAROLYN A  
Co-Owner:  
Mailing Address:  
5 ASH STREET  
CAMBRIDGE, MA 02138  
-----

Prop ID: 20-3-1  
Prop Location: 114 SPY POND PKWY Arlington, MA  
Owner: CAHILL RICHARD  
Co-Owner:  
Mailing Address:  
114 SPY POND PKWY  
ARLINGTON, MA 02474  
-----

Prop ID: 20-3-2  
Prop Location: 0-LOT SPY POND PKWY Arlington, MA  
Owner: BALAZS ANDRE T  
Co-Owner:  
Mailing Address:  
158 MERCER ST  
10TH FLOOR  
NEW YORK, NY 10012  
-----

Prop ID: 20-3-3  
Prop Location: 122 SPY POND PKWY Arlington, MA  
Owner: FANTASIA SALVATORE/FRANCA  
Co-Owner:  
Mailing Address:  
122 SPY POND PKWY  
ARLINGTON, MA 02474  
-----

Prop ID: 20-3-4  
Prop Location: 0-LOT SPY POND LN Arlington, MA  
Owner: FANTASIA SALVATORE C/FRANCA  
Co-Owner:  
Mailing Address:  
122 SPY POND PKWY  
ARLINGTON, MA 02474  
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Prop ID: 20-5-1  
Prop Location: 71 SPY POND LN Arlington, MA  
Owner: TURANO RONA B  
Co-Owner:  
Mailing Address:  
71 SPY POND LANE  
ARLINGTON, MA 02474  
-----

Prop ID: 20-5-1.A  
Prop Location: 65 SPY POND LN Arlington, MA  
Owner: DE LEO JOHN M/TRUSTEE  
Co-Owner: DELEO FAMILY TRUST  
Mailing Address:  
65 SPY POND LANE  
ARLINGTON, MA 02474  
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Prop ID: 20-5-2  
Prop Location: 61 SPY POND LN Arlington, MA  
Owner: CHADWICK DANIEL/ETAL  
Co-Owner: GOLDSTEIN ROBIN E  
Mailing Address:  
61 SPY POND LANE  
ARLINGTON, MA 02474  
-----

Prop ID: 20-5-3  
Prop Location: 57 SPY POND LN Arlington, MA  
Owner: KAPLAN WILLIAM H  
Co-Owner:  
Mailing Address:  
57 SPY POND LANE  
ARLINGTON, MA 02474  
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Prop ID: 20-5-4  
Prop Location: 53 SPY POND LN Arlington, MA  
Owner: LOEFFLER EVAN/TRUSTEE  
Co-Owner: SHAYNA W LOEFFLER IRREVOCABLE  
Mailing Address:  
53 SPY POND LANE  
ARLINGTON, MA 02474  
-----

Prop ID: 20.A-1-101  
Prop Location: 18 HAMILTON RD UNIT 101 Arlington, MA  
Owner: HAINES LINDA J/ TRUSTEE  
Co-Owner: HAINES FAMILY TRUST  
Mailing Address:  
18 HAMILTON RD #101  
ARLINGTON, MA 02474  
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Prop ID: 20.A-1-102  
Prop Location: 18 HAMILTON RD UNIT 102 Arlington, MA  
Owner: KATES MICHAEL S  
Co-Owner:  
Mailing Address:  
21 GREYSTONE CT  
BURLINGTON, MA 01803  
-----

Prop ID: 20.A-1-103  
Prop Location: 18 HAMILTON RD UNIT 103 Arlington, MA  
Owner: BETTENCOURT PAULA/MARIO  
Co-Owner:  
Mailing Address:  
43 AMSDEN  
ARLINGTON, MA 02474  
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Prop ID: 20.A-1-104  
Prop Location: 18 HAMILTON RD UNIT 104 Arlington, MA  
Owner: MC EWEN KAREN B  
Co-Owner:  
Mailing Address:  
18 HAMILTON ROAD #104  
ARLINGTON, MA 02474  
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Prop ID: 20.A-1-105  
Prop Location: 18 HAMILTON RD UNIT 105 Arlington, MA  
Owner: BAYSTATE CONDOMINIUMS LLC  
Co-Owner:  
Mailing Address:  
956 MASS AVE  
LEXINGTON, MA 02420  
-----

Prop ID: 20.A-1-106  
Prop Location: 18 HAMILTON RD UNIT 106 Arlington, MA  
Owner: BOJANIC IRENA  
Co-Owner: SEGRT JANKO  
Mailing Address:  
115 BACON ST  
NATICK, MA 01760  
-----

Prop ID: 20.A-1-107  
Prop Location: 18 HAMILTON RD UNIT 107 Arlington, MA  
Owner: STALCUP WILLIAM S  
Co-Owner:  
Mailing Address:  
18 HAMILTON ROAD #107  
ARLINGTON, MA 02474  
-----

Prop ID: 20.A-1-108  
Prop Location: 18 HAMILTON RD UNIT 108 Arlington, MA  
Owner: BASSALEH JOSEPH &  
Co-Owner: DECARLO MADELEINE  
Mailing Address:  
18 HAMILTON RD #108  
ARLINGTON, MA 02474  
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Prop ID: 20.A-1-201  
Prop Location: 18 HAMILTON RD UNIT 201 Arlington, MA  
Owner: POLLINA VINCENT J  
Co-Owner:  
Mailing Address:  
18 HAMILTON ROAD #201  
ARLINGTON, MA 02474  
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Prop ID: 20.A-1-202  
Prop Location: 18 HAMILTON RD UNIT 202 Arlington, MA  
Owner: CADWGAN JOHONNA L  
Co-Owner:  
Mailing Address:  
18 HAMILTON RD #202  
ARLINGTON, MA 02474  
-----

Prop ID: 20.A-1-203  
Prop Location: 18 HAMILTON RD UNIT 203 Arlington, MA  
Owner: ESTEVES ISIS E  
Co-Owner:  
Mailing Address:  
12 CONIFER LN  
AMHERST, NH 03031  
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Prop ID: 20.A-1-204  
Prop Location: 18 HAMILTON RD UNIT 204 Arlington, MA  
Owner: HARRIS ELWYN EVERETT  
Co-Owner:  
Mailing Address:  
18 HAMILTON ROAD #204  
ARLINGTON, MA 02474  
-----

Prop ID: 20.A-1-205  
Prop Location: 18 HAMILTON RD UNIT 205 Arlington, MA  
Owner: POOR RIVA/ TRUSTEE  
Co-Owner: RIVA POOR 2016 TRUST  
Mailing Address:  
73 KIRKLAND ST  
CAMBRIDGE, MA 02138  
-----

Prop ID: 20.A-1-206  
Prop Location: 18 HAMILTON RD UNIT 206 Arlington, MA  
Owner: STRICKLAND BARBARA B  
Co-Owner:  
Mailing Address:  
18 HAMILTON RD UNIT 206  
ARLINGTON, MA 02474  
-----

Prop ID: 20.A-1-207  
Prop Location: 18 HAMILTON RD UNIT 207 Arlington, MA  
Owner: MAHER JAMES M/ TRUSTEE  
Co-Owner: 18 HAMILTON REALTY TRUST  
Mailing Address:  
966 BROADWAY  
SOMERVILLE, MA 02144  
-----

Prop ID: 20.A-1-208  
Prop Location: 18 HAMILTON RD UNIT 208 Arlington, MA  
Owner: ALBERT ALEXANDER C  
Co-Owner:  
Mailing Address:  
18 HAMILTON RD #208  
ARLINGTON, MA 02474  
-----

Prop ID: 20.A-1-301  
Prop Location: 18 HAMILTON RD UNIT 301 Arlington, MA  
Owner: KALBER VIVIAN A/TRUSTEE  
Co-Owner: VIVIAN A KALBER REVOCABLE TR  
Mailing Address:  
18 HAMILTON ROAD #301  
ARLINGTON, MA 02474  
-----

Prop ID: 20.A-1-302  
Prop Location: 18 HAMILTON RD UNIT 302 Arlington, MA  
Owner: ESPOSITO PAUL  
Co-Owner:  
Mailing Address:  
776 MAIN STREET  
WAKEFIELD, MA 01880  
-----

Prop ID: 20.A-1-303  
Prop Location: 18 HAMILTON RD UNIT 303 Arlington, MA  
Owner: CROMER MACEDO LLC  
Co-Owner:  
Mailing Address:  
15 VIRGINIA ST  
SOMERVILLE, MA 02145  
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Prop ID: 20.A-1-304  
Prop Location: 18 HAMILTON RD UNIT 304 Arlington, MA  
Owner: ONEIL NANCY  
Co-Owner:  
Mailing Address:  
18 HAMILTON ROAD #304  
ARLINGTON, MA 02474  
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Prop ID: 20.A-1-305  
Prop Location: 18 HAMILTON RD UNIT 305 Arlington, MA  
Owner: OWEN ELIZABETH M  
Co-Owner:  
Mailing Address:  
18 HAMILTON RD #305  
ARLINGTON, MA 02474  
-----

Prop ID: 20.A-1-306  
Prop Location: 18 HAMILTON RD UNIT 306 Arlington, MA  
Owner: TORRESYAP GAY  
Co-Owner:  
Mailing Address:  
18 HAMILTON RD UNIT 306  
ARLINGTON, MA 02474  
-----

Prop ID: 20.A-1-307  
Prop Location: 18 HAMILTON RD UNIT 307 Arlington, MA  
Owner: DOUGAN BARBARA J/ LIFE ESTATE  
Co-Owner:  
Mailing Address:  
18 HAMILTON ROAD  
UNIT 307  
ARLINGTON, MA 02474  
-----

Prop ID: 20.A-1-308  
Prop Location: 18 HAMILTON RD UNIT 308 Arlington, MA  
Owner: CLARK LINDA M/ TRUSTEE  
Co-Owner: LINDA M CLARK REALTY TRUST  
Mailing Address:  
18 HAMILTON RD #308  
ARLINGTON, MA 02474  
-----

Prop ID: 20.A-1-401  
Prop Location: 18 HAMILTON RD UNIT 401 Arlington, MA  
Owner: FINELLI ALYCE  
Co-Owner:  
Mailing Address:  
177 PEMBERTON ST UNIT 14  
CAMBRIDGE, MA 02140  
-----

Prop ID: 20.A-1-402  
Prop Location: 18 HAMILTON RD UNIT 402 Arlington, MA  
Owner: LIU YANG  
Co-Owner: MIN YAO  
Mailing Address:  
26 LEDGELAWN AVE  
LEXINGTON, MA 02420  
-----

Prop ID: 20.A-1-403  
Prop Location: 18 HAMILTON RD UNIT 403 Arlington, MA  
Owner: MEADOWS JULIE A  
Co-Owner:  
Mailing Address:  
18 HAMILTON ROAD #403  
ARLINGTON, MA 02474  
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Prop ID: 20.A-1-404  
Prop Location: 18 HAMILTON RD UNIT 404 Arlington, MA  
Owner: KOLEV VIHREN N  
Co-Owner: KOLEVA ROSITSA  
Mailing Address:  
17 REED ST #1  
ARLINGTON, MA 02474  
-----

Prop ID: 20.A-1-405  
Prop Location: 18 HAMILTON RD UNIT 405 Arlington, MA  
Owner: KWAK MICHELLE C  
Co-Owner:  
Mailing Address:  
511 TUMBLING HAWK  
ACTON, MA 01718  
-----

Prop ID: 20.A-1-406  
Prop Location: 18 HAMILTON RD UNIT 406 Arlington, MA  
Owner: MURPHY KATHERINE  
Co-Owner: HERBERT PATRICIA  
Mailing Address:  
18 HAMILTON RD #406  
ARLINGTON, MA 02474  
-----

Prop ID: 20.A-1-407  
Prop Location: 18 HAMILTON RD UNIT 407 Arlington, MA  
Owner: WALSH LAUREN/ TRUSTEE  
Co-Owner: SPY POND CONDO TRUST  
Mailing Address:  
144 WHITE ST  
BELMONT, MA 02478  
-----

Prop ID: 20.A-1-408  
Prop Location: 18 HAMILTON RD UNIT 408 Arlington, MA  
Owner: GOODMAN THEODORE & CHIKAKO/ TRS  
Co-Owner: CHIKAKO GOODMAN REVOCABLE TR  
Mailing Address:  
18 HAMILTON RD UNIT 408  
ARLINGTON, MA 02474  
-----

Prop ID: 20.A-1-501  
Prop Location: 18 HAMILTON RD UNIT 501 Arlington, MA  
Owner: MOREIRA JOSEPH  
Co-Owner:  
Mailing Address:  
18 HAMILTON ROAD #501  
ARLINGTON, MA 02474  
-----

Prop ID: 20.A-1-502  
Prop Location: 18 HAMILTON RD UNIT 502 Arlington, MA  
Owner: KLEIN MARA L  
Co-Owner:  
Mailing Address:  
18 HAMILTON ROAD #502  
ARLINGTON, MA 02474  
-----

Prop ID: 20.A-1-503  
Prop Location: 18 HAMILTON RD UNIT 503 Arlington, MA  
Owner: LAHAIE CLAUDETTE M  
Co-Owner:  
Mailing Address:  
83 SASSAFRAS ST  
WELLS, ME 04090  
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Prop ID: 20.A-1-504  
Prop Location: 18 HAMILTON RD UNIT 504 Arlington, MA  
Owner: COTRONEO VINCENZO  
Co-Owner:  
Mailing Address:  
18 HAMILTON RD #504  
ARLINGTON, MA 02474  
-----

Prop ID: 20.A-1-505  
Prop Location: 18 HAMILTON RD UNIT 505 Arlington, MA  
Owner: GOYAL KAPISH  
Co-Owner:  
Mailing Address:  
858 POINT WAY  
VA BEACH, VA 23462  
-----

Prop ID: 20.A-1-506  
Prop Location: 18 HAMILTON RD UNIT 506 Arlington, MA  
Owner: TOPLIN HOLDEN &  
Co-Owner: YANG ZHENYAN  
Mailing Address:  
18 HAMILTON ROAD #506  
ARLINGTON, MA 02474  
-----

Prop ID: 20.A-1-507  
Prop Location: 18 HAMILTON RD UNIT 507 Arlington, MA  
Owner: POST ARJAN  
Co-Owner:  
Mailing Address:  
18 HAMILTON ROAD #507  
ARLINGTON, MA 02474  
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Prop ID: 20.A-1-508  
Prop Location: 18 HAMILTON RD UNIT 508 Arlington, MA  
Owner: OHN KIMBERLY  
Co-Owner:  
Mailing Address:  
18 HAMILTON RD  
UNIT 508  
ARLINGTON, MA 02474  
-----

Prop ID: 20.A-2-101  
Prop Location: 20 HAMILTON RD UNIT 101 Arlington, MA  
Owner: PATEY SARA  
Co-Owner:  
Mailing Address:  
8 PARKER RD  
SHIRLEY, MA 01464  
-----

Prop ID: 20.A-2-102  
Prop Location: 20 HAMILTON RD UNIT 102 Arlington, MA  
Owner: SULLIVAN DIANE M  
Co-Owner:  
Mailing Address:  
20 HAMILTON RD #102  
ARLINGTON, MA 02474  
-----

Prop ID: 20.A-2-103  
Prop Location: 20 HAMILTON RD UNIT 103 Arlington, MA  
Owner: BETTENCOURT MARIO S--ETAL  
Co-Owner: BETTENCOURT PAULA M  
Mailing Address:  
43 AMSDEN STREET  
ARLINGTON, MA 02474  
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Prop ID: 20.A-2-104  
Prop Location: 20 HAMILTON RD UNIT 104 Arlington, MA  
Owner: CARROLL THOMAS J JR/ TRUSTEE  
Co-Owner: MOCCIA IRREVOCABLE TRUST  
Mailing Address:  
132 ROBBINS RD  
ARLINGTON, MA 02476  
-----

Prop ID: 20.A-2-105  
Prop Location: 22 HAMILTON RD UNIT 105 Arlington, MA  
Owner: SEGRT JANKO  
Co-Owner: BOJANIC IRENA  
Mailing Address:  
115 BACON ST  
NATICK, MA 01760  
-----

Prop ID: 20.A-2-106  
Prop Location: 22 HAMILTON RD UNIT 106 Arlington, MA  
Owner: ZHAO LIJIAN  
Co-Owner: KANTOR MARK  
Mailing Address:  
75 BEVERLY RD  
ARLINGTON, MA 02474  
-----

Prop ID: 20.A-2-107  
Prop Location: 22 HAMILTON RD UNIT 107 Arlington, MA  
Owner: MARGOLIN BARRY W  
Co-Owner:  
Mailing Address:  
22 HAMILTON ROAD #107  
ARLINGTON, MA 02474  
-----

Prop ID: 20.A-2-108  
Prop Location: 22 HAMILTON RD UNIT 108 Arlington, MA  
Owner: FUCHS DEBORAH  
Co-Owner:  
Mailing Address:  
PO BOX 23  
PETERSHAM, MA 01366  
-----

Prop ID: 20.A-2-201  
Prop Location: 20 HAMILTON RD UNIT 201 Arlington, MA  
Owner: O CONNOR WILLIAM J  
Co-Owner:  
Mailing Address:  
20 HAMILTON ROAD #201  
ARLINGTON, MA 02474  
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Prop ID: 20.A-2-202  
Prop Location: 20 HAMILTON RD UNIT 202 Arlington, MA  
Owner: OBRIEN HAYLEY E  
Co-Owner:  
Mailing Address:  
20 HAMILTON ROAD #202  
ARLINGTON, MA 02474  
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Prop ID: 20.A-2-203  
Prop Location: 20 HAMILTON RD UNIT 203 Arlington, MA  
Owner: SULLIVAN DIANE M  
Co-Owner: KNOTT FRANCES K  
Mailing Address:  
20 HAMILTON RD UNIT 102  
ARLINGTON, MA 02474  
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Prop ID: 20.A-2-204  
Prop Location: 20 HAMILTON RD UNIT 204 Arlington, MA  
Owner: MATHIASSEN KAREN  
Co-Owner:  
Mailing Address:  
20 HAMILTON ROAD #204  
ARLINGTON, MA 02474  
-----

Prop ID: 20.A-2-205  
Prop Location: 22 HAMILTON RD UNIT 205 Arlington, MA  
Owner: HALLIDAY MARK  
Co-Owner:  
Mailing Address:  
54 BRANTWOOD RD  
ARLINGTON, MA 02476  
-----

Prop ID: 20.A-2-206  
Prop Location: 22 HAMILTON RD UNIT 206 Arlington, MA  
Owner: TINCH PETER M  
Co-Owner:  
Mailing Address:  
22 HAMILTON ROAD #206  
ARLINGTON, MA 02474  
-----

Prop ID: 20.A-2-207  
Prop Location: 22 HAMILTON RD UNIT 207 Arlington, MA  
Owner: GARDNER P J  
Co-Owner:  
Mailing Address:  
22 HAMILTON ROAD #207  
ARLINGTON, MA 02474  
-----

Prop ID: 20.A-2-208  
Prop Location: 22 HAMILTON RD UNIT 208 Arlington, MA  
Owner: CARROLL THOMAS J/CORINNE K  
Co-Owner:  
Mailing Address:  
132 ROBBINS RD  
ARLINGTON, MA 02476  
-----

Prop ID: 20.A-2-301  
Prop Location: 20 HAMILTON RD UNIT 301 Arlington, MA  
Owner: RANDOLPH ANNE  
Co-Owner:  
Mailing Address:  
20 HAMILTON ROAD #301  
ARLINGTON, MA 02474  
-----

Prop ID: 20.A-2-302  
Prop Location: 20 HAMILTON RD UNIT 302 Arlington, MA  
Owner: BODNYA RAISA/LEONID/TRS  
Co-Owner: BODNYA TRUST  
Mailing Address:  
20 HAMILTON ROAD #302  
ARLINGTON, MA 02474  
-----

Prop ID: 20.A-2-303  
Prop Location: 20 HAMILTON RD UNIT 303 Arlington, MA  
Owner: ROCKLAND TRUST COMPANY/ TRS  
Co-Owner: ROCHELLE ANDREA WOLFE TRUST  
Mailing Address:  
2036 WASHINGTON ST  
HANOVER, MA 02339  
-----

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Prop ID: 20.A-2-304  
Prop Location: 20 HAMILTON RD UNIT 304 Arlington, MA  
Owner: BROWN GERDA  
Co-Owner:  
Mailing Address:  
20 HAMILTON ROAD #304  
ARLINGTON, MA 02474  
-----

Prop ID: 20.A-2-305  
Prop Location: 22 HAMILTON RD UNIT 305 Arlington, MA  
Owner: JACOBSON ALAN J  
Co-Owner:  
Mailing Address:  
225 COOLIDGE AVE #106  
WATERTOWN, MA 02472  
-----

Prop ID: 20.A-2-306  
Prop Location: 22 HAMILTON RD UNIT 306 Arlington, MA  
Owner: SULLIVAN MARY F  
Co-Owner: C/O CONLIN  
Mailing Address:  
7 DEXTER ROAD  
WELLESLEY, MA 02482  
-----

Prop ID: 20.A-2-307  
Prop Location: 22 HAMILTON RD UNIT 307 Arlington, MA  
Owner: FAIOLA CAROL  
Co-Owner:  
Mailing Address:  
22 HAMILTON ROAD #307  
ARLINGTON, MA 02474  
-----

Prop ID: 20.A-2-308  
Prop Location: 22 HAMILTON RD UNIT 308 Arlington, MA  
Owner: GILMAN LISA R  
Co-Owner:  
Mailing Address:  
22 HAMILTON ROAD #308  
ARLINGTON, MA 02474  
-----

Prop ID: 20.A-2-401  
Prop Location: 20 HAMILTON RD UNIT 401 Arlington, MA  
Owner: FRASER ELIZABETH G  
Co-Owner:  
Mailing Address:  
20 HAMILTON RD #401  
ARLINGTON, MA 02474  
-----

Prop ID: 20.A-2-402  
Prop Location: 22 HAMILTON RD UNIT 402 Arlington, MA  
Owner: LIEM SIOE L  
Co-Owner:  
Mailing Address:  
22 HAMILTON ROAD #402  
ARLINGTON, MA 02474  
-----

Prop ID: 20.A-3-101  
Prop Location: 30 HAMILTON RD UNIT 101 Arlington, MA  
Owner: FOLEY DENNIS P  
Co-Owner:  
Mailing Address:  
30 HAMILTON RD #101  
ARLINGTON, MA 02474  
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-----  
Prop ID: 20.A-3-102  
Prop Location: 30 HAMILTON RD UNIT 102 Arlington, MA  
Owner: LEUNG EILEEN  
Co-Owner: DO HIEN VAN  
Mailing Address:  
32 PILGRAM RD  
BELMONT, MA 02478  
-----

Prop ID: 20.A-3-103  
Prop Location: 30 HAMILTON RD UNIT 103 Arlington, MA  
Owner: YOU GO GIRL! LLC  
Co-Owner:  
Mailing Address:  
38 BOWDOIN ST  
CAMBRIDGE, MA 02138  
-----

Prop ID: 20.A-3-104  
Prop Location: 30 HAMILTON RD UNIT 104 Arlington, MA  
Owner: BRASGO LLC  
Co-Owner:  
Mailing Address:  
17 BURROUGHS RD  
LEXINGTON, MA 02420  
-----

Prop ID: 20.A-3-105  
Prop Location: 32 HAMILTON RD UNIT 105 Arlington, MA  
Owner: ELLIS ELIZABETH ANN  
Co-Owner:  
Mailing Address:  
1337 MASS AVE #134  
ARLINGTON, MA 02476  
-----

Prop ID: 20.A-3-106  
Prop Location: 32 HAMILTON RD UNIT 106 Arlington, MA  
Owner: FLETCHER WILLIAM B  
Co-Owner:  
Mailing Address:  
32 HAMILTON ROAD #106  
ARLINGTON, MA 02474  
-----

Prop ID: 20.A-3-107  
Prop Location: 32 HAMILTON RD UNIT 107 Arlington, MA  
Owner: CUMMINS JOHN J JR & STACIA J/  
Co-Owner: TRS/SUSAN J CUMMINS FAMILY  
Mailing Address:  
14 RADCLIFFE RD  
ARLINGTON, MA 02474  
-----

Prop ID: 20.A-3-108  
Prop Location: 32 HAMILTON RD UNIT 108 Arlington, MA  
Owner: MASON REBECCA  
Co-Owner:  
Mailing Address:  
32 HAMILTON RD UNIT 108  
ARLINGTON, MA 02474  
-----

Prop ID: 20.A-3-201  
Prop Location: 30 HAMILTON RD UNIT 201 Arlington, MA  
Owner: TSERING LHAMO  
Co-Owner:  
Mailing Address:  
4 BRIDLE PATH  
SUDBURY, MA 01776  
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-----  
Prop ID: 20.A-3-202  
Prop Location: 30 HAMILTON RD UNIT 202 Arlington, MA  
Owner: LOUNKINE EUGEN &  
Co-Owner: WANG YUAN  
Mailing Address:  
30 HAMILTON RD UNIT 202  
ARLINGTON, MA 02474  
-----

Prop ID: 20.A-3-203  
Prop Location: 30 HAMILTON RD UNIT 203 Arlington, MA  
Owner: O'DONNELL AGNES E & NICHOLAS  
Co-Owner: TRS/ AGNES E O'DONNELL 2017  
Mailing Address:  
30 HAMILTON RD #203  
ARLINGTON, MA 02474  
-----

Prop ID: 20.A-3-204  
Prop Location: 30 HAMILTON RD UNIT 204 Arlington, MA  
Owner: MC CORMICK GAIL T/TRUSTEE  
Co-Owner: GAIL MC CORMICK TRUST  
Mailing Address:  
30 HAMILTON RD UNIT 204  
ARLINGTON, MA 02474  
-----

Prop ID: 20.A-3-205  
Prop Location: 32 HAMILTON RD UNIT 205 Arlington, MA  
Owner: DE LEO JOSEPH F &  
Co-Owner: MANCA MARYBETH  
Mailing Address:  
188 DALTON RD  
BELMONT, MA 02478  
-----

Prop ID: 20.A-3-206  
Prop Location: 32 HAMILTON RD UNIT 206 Arlington, MA  
Owner: SELANDER NANCY  
Co-Owner:  
Mailing Address:  
32 HAMILTON RD #206  
ARLINGTON, MA 02474  
-----

Prop ID: 20.A-3-207  
Prop Location: 32 HAMILTON RD UNIT 207 Arlington, MA  
Owner: SCHLEGEL FABRICE  
Co-Owner:  
Mailing Address:  
18 YERXA RD #2  
CAMBRIDGE, MA 02140  
-----

Prop ID: 20.A-3-208  
Prop Location: 32 HAMILTON RD UNIT 208 Arlington, MA  
Owner: SNOW JEANNE J/TRUSTEE  
Co-Owner: JEANNE SNOW 2005 TRUST  
Mailing Address:  
32 HAMILTON ROAD #208  
ARLINGTON, MA 02474  
-----

Prop ID: 20.A-3-301  
Prop Location: 30 HAMILTON RD UNIT 301 Arlington, MA  
Owner: CASO MICHAEL A  
Co-Owner:  
Mailing Address:  
30 HAMILTON ROAD #301  
ARLINGTON, MA 02474  
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-----  
Prop ID: 20.A-3-302  
Prop Location: 30 HAMILTON RD UNIT 302 Arlington, MA  
Owner: CONSTABLE ROBERT  
Co-Owner:  
Mailing Address:  
343 CODDINGTON RD  
ITHACA, NY 14850  
-----

Prop ID: 20.A-3-303  
Prop Location: 30 HAMILTON RD UNIT 303 Arlington, MA  
Owner: LISCO THOMAS E  
Co-Owner:  
Mailing Address:  
30 HAMILTON ROAD #303  
ARLINGTON, MA 02474  
-----

Prop ID: 20.A-3-304  
Prop Location: 30 HAMILTON RD UNIT 304 Arlington, MA  
Owner: SCRIBNER FRED C III  
Co-Owner:  
Mailing Address:  
PO BOX 31  
PORTLAND, ME 04112  
-----

Prop ID: 20.A-3-305  
Prop Location: 32 HAMILTON RD UNIT 305 Arlington, MA  
Owner: ABBOTT MARK F  
Co-Owner:  
Mailing Address:  
32 HAMILTON RD #305  
ARLINGTON, MA 02476  
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Prop ID: 20.A-3-306  
Prop Location: 32 HAMILTON RD UNIT 306 Arlington, MA  
Owner: HUANG LI  
Co-Owner:  
Mailing Address:  
32 HAMILTON ROAD #32-306  
ARLINGTON, MA 02474  
-----

Prop ID: 20.A-3-307  
Prop Location: 32 HAMILTON RD UNIT 307 Arlington, MA  
Owner: CATALDO LILLIAN  
Co-Owner: M/T CATALDO HENRY J  
Mailing Address:  
15R CHANDLER ST  
SOMERVILLE, MA 02144  
-----

Prop ID: 20.A-3-308  
Prop Location: 32 HAMILTON RD UNIT 308 Arlington, MA  
Owner: DIESING LOIS R / ETAL / TRS  
Co-Owner: LOIS R DIESING TRUST  
Mailing Address:  
32 HAMILTON ROAD #308  
ARLINGTON, MA 02474  
-----

Prop ID: 20.A-3-401  
Prop Location: 30 HAMILTON RD UNIT 401 Arlington, MA  
Owner: TASHIRO MASAKAZU & YASUHISA  
Co-Owner:  
Mailing Address:  
PO BOX 410042  
EAST CAMBRIDGE, MA 02141  
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Prop ID: 20.A-3-402  
Prop Location: 32 HAMILTON RD UNIT 402 Arlington, MA  
Owner: GROSSMAN KAREN L  
Co-Owner:  
Mailing Address:  
32 HAMILTON ROAD #402  
ARLINGTON, MA 02474  
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Prop ID: 20.A-4-101  
Prop Location: 34 HAMILTON RD UNIT 101 Arlington, MA  
Owner: VANDIVIER LEE ELLIOT  
Co-Owner: HSIAO MINGHUA  
Mailing Address:  
34 HAMILTON RD #101  
ARLINGTON, MA 02474  
-----

Prop ID: 20.A-4-102  
Prop Location: 34 HAMILTON RD UNIT 102 Arlington, MA  
Owner: BETTS ALLISON  
Co-Owner:  
Mailing Address:  
5701 AVENIDA CHIQUITA NW  
ALBUQUERQUE, NM 87120  
-----

Prop ID: 20.A-4-103  
Prop Location: 34 HAMILTON RD UNIT 103 Arlington, MA  
Owner: CONROY KRISTINA M  
Co-Owner:  
Mailing Address:  
34 HAMILTON ROAD UNIT 103  
ARLINGTON, MA 02474  
-----

Prop ID: 20.A-4-104  
Prop Location: 34 HAMILTON RD UNIT 104 Arlington, MA  
Owner: CHIVUKULA RAMAKRISHNA  
Co-Owner: MALLAPRAGADA SOUJANYA G  
Mailing Address:  
21 BISHOP RD  
SHARON, MA 02067  
-----

Prop ID: 20.A-4-105  
Prop Location: 34 HAMILTON RD UNIT 105 Arlington, MA  
Owner: BRAIDA LOUIS D  
Co-Owner:  
Mailing Address:  
34 HAMILTON ROAD #105  
ARLINGTON, MA 02474  
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Prop ID: 20.A-4-106  
Prop Location: 34 HAMILTON RD UNIT 106 Arlington, MA  
Owner: ALEXANDER ROBERT BRUCE  
Co-Owner: HUANG ADRIAN  
Mailing Address:  
53 PAUL REVERE RD  
LEXINGTON, MA 02421  
-----

Prop ID: 20.A-4-107  
Prop Location: 34 HAMILTON RD UNIT 107 Arlington, MA  
Owner: BRAIDA LOUIS D  
Co-Owner:  
Mailing Address:  
34 HAMILTON ROAD  
UNIT 105  
ARLINGTON, MA 02474  
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Prop ID: 20.A-4-108  
Prop Location: 34 HAMILTON RD UNIT 108 Arlington, MA  
Owner: HUANG ADRIAN  
Co-Owner: ALEXANDER ROBERT BRUCE  
Mailing Address:  
53 PAUL REVERE RD  
LEXINGTON, MA 02421  
-----

Prop ID: 20.A-4-109  
Prop Location: 34 HAMILTON RD UNIT 109 Arlington, MA  
Owner: BETTENCOURT MARIO & PAULA  
Co-Owner:  
Mailing Address:  
43 AMSDEN STREET  
ARLINGTON, MA 02474  
-----

Prop ID: 20.A-4-110  
Prop Location: 34 HAMILTON RD UNIT 110 Arlington, MA  
Owner: JOHNSON DEREK S  
Co-Owner:  
Mailing Address:  
2393 LAKE SHORE ROAD #36  
GILFORD, NH 03249  
-----

Prop ID: 20.A-4-201  
Prop Location: 34 HAMILTON RD UNIT 201 Arlington, MA  
Owner: FENNER MARGARET L  
Co-Owner:  
Mailing Address:  
34 HAMILTON ROAD #201  
ARLINGTON, MA 02474  
-----

Prop ID: 20.A-4-202  
Prop Location: 34 HAMILTON RD UNIT 202 Arlington, MA  
Owner: SULLIVAN BRENDAN  
Co-Owner:  
Mailing Address:  
319 LAKE STREET  
ARLINGTON, MA 02476  
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Prop ID: 20.A-4-203  
Prop Location: 34 HAMILTON RD UNIT 203 Arlington, MA  
Owner: KANDILIAN FAGHARCH  
Co-Owner:  
Mailing Address:  
27 ESTABROOK RD  
LEXINGTON, MA 02421  
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Prop ID: 20.A-4-204  
Prop Location: 34 HAMILTON RD UNIT 204 Arlington, MA  
Owner: MUJAGIC NADIJA  
Co-Owner:  
Mailing Address:  
935 BROADWAY UNIT 1  
SOMERVILLE, MA 02144  
-----

Prop ID: 20.A-4-205  
Prop Location: 34 HAMILTON RD UNIT 205 Arlington, MA  
Owner: COLEMAN DIANA T  
Co-Owner:  
Mailing Address:  
1 RICHDAL AVE UNIT 12  
CAMBRIDGE, MA 02140  
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Prop ID: 20.A-4-206  
Prop Location: 34 HAMILTON RD UNIT 206 Arlington, MA  
Owner: YANG XIAOQING  
Co-Owner: WU YECHENG  
Mailing Address:  
5 APPLETREE LN  
LEXINGTON, MA 02420  
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Prop ID: 20.A-4-207  
Prop Location: 34 HAMILTON RD UNIT 207 Arlington, MA  
Owner: COLEMAN DIANA T  
Co-Owner:  
Mailing Address:  
1 RICHDAL AVE UNIT 12  
CAMBRIDGE, MA 02140  
-----

Prop ID: 20.A-4-208  
Prop Location: 34 HAMILTON RD UNIT 208 Arlington, MA  
Owner: WANG SEN &  
Co-Owner: XU HONGQIANG  
Mailing Address:  
34 HAMILTON RD #208  
ARLINGTON, MA 02474  
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Prop ID: 20.A-4-209  
Prop Location: 34 HAMILTON RD UNIT 209 Arlington, MA  
Owner: REARDON WILLIAM F JR/TRUSTEE  
Co-Owner: 34-209 REALTY TRUST  
Mailing Address:  
34 HAMILTON RD UNIT 209  
ARLINGTON, MA 02474  
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Prop ID: 20.A-4-210  
Prop Location: 34 HAMILTON RD UNIT 210 Arlington, MA  
Owner: SUBRAMANIAN BALACHUNDHAR  
Co-Owner: SACHITHANANDHAM KALPANA  
Mailing Address:  
34 HAMILTON RD # 210  
ARLINGTON, MA 02474  
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Prop ID: 20.A-4-301  
Prop Location: 34 HAMILTON RD UNIT 301 Arlington, MA  
Owner: JOLKOVSKI ROBERT M  
Co-Owner:  
Mailing Address:  
34 HAMILTON ROAD #301  
ARLINGTON, MA 02474  
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Prop ID: 20.A-4-302  
Prop Location: 34 HAMILTON RD UNIT 302 Arlington, MA  
Owner: YANUSHPOLSKY MIRAM FEIGA &  
Co-Owner: JOSEPH & SHAUMYAN GALINA/TR  
Mailing Address:  
34 HAMILTON ROAD #302  
ARLINGTON, MA 02474  
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Prop ID: 20.A-4-303  
Prop Location: 34 HAMILTON RD UNIT 303 Arlington, MA  
Owner: NAGAYAMA KEIKO  
Co-Owner:  
Mailing Address:  
34 HAMILTON RD #303  
ARLINGTON, MA 02474  
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Prop ID: 20.A-4-304  
Prop Location: 34 HAMILTON RD UNIT 304 Arlington, MA  
Owner: POURALI SHAHRAM  
Co-Owner:  
Mailing Address:  
34 HAMILTON ROAD #304  
ARLINGTON, MA 02474  
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Prop ID: 20.A-4-305  
Prop Location: 34 HAMILTON RD UNIT 305 Arlington, MA  
Owner: MITCHELL A. KATALIN  
Co-Owner:  
Mailing Address:  
169 CENTRAL ST  
FRAMINGHAM, MA 01701  
-----

Prop ID: 20.A-4-306  
Prop Location: 34 HAMILTON RD UNIT 306 Arlington, MA  
Owner: BRETON JOSEPH F & JOAN M  
Co-Owner:  
Mailing Address:  
24 MIDLAND DRIVE  
WALTHAM, MA 02451  
-----

Prop ID: 20.A-4-307  
Prop Location: 34 HAMILTON RD UNIT 307 Arlington, MA  
Owner: MOLINA LIZA  
Co-Owner: PHILLIPS THOMAS  
Mailing Address:  
34 HAMILTON RD # 307  
ARLINGTON, MA 02474  
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Prop ID: 20.A-4-308  
Prop Location: 34 HAMILTON RD UNIT 308 Arlington, MA  
Owner: BYRON PAMELA D  
Co-Owner:  
Mailing Address:  
34 HAMILTON ROAD #308  
ARLINGTON, MA 02474  
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Prop ID: 20.A-4-309  
Prop Location: 34 HAMILTON RD UNIT 309 Arlington, MA  
Owner: ALEXIOU ALICE SPARBERG  
Co-Owner: ALEXIOU NICHOLAS D  
Mailing Address:  
140 WEST END AVE APT 20C  
NEW YORK, NY 10023  
-----

Prop ID: 20.A-4-310  
Prop Location: 34 HAMILTON RD UNIT 310 Arlington, MA  
Owner: THE 2005 C & J LLC  
Co-Owner:  
Mailing Address:  
1 CHURCHILL PLACE  
ARLINGTON, MA 02476  
-----

Prop ID: 20.A-4-401  
Prop Location: 34 HAMILTON RD UNIT 401 Arlington, MA  
Owner: BLUMENTHAL ELIZABETH A  
Co-Owner:  
Mailing Address:  
34 HAMILTON ROAD #401  
ARLINGTON, MA 02474  
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Prop ID: 20.A-4-402  
Prop Location: 34 HAMILTON RD UNIT 402 Arlington, MA  
Owner: LOPRESTE FRANK A JR  
Co-Owner:  
Mailing Address:  
32 MCGINNESS WAY  
BILLERICA, MA 01821  
-----

Prop ID: 20.A-4-403  
Prop Location: 34 HAMILTON RD UNIT 403 Arlington, MA  
Owner: FENNER MARGARET  
Co-Owner:  
Mailing Address:  
34 HAMILTON RD # 201  
ARLINGTON, MA 02474  
-----

Prop ID: 20.A-4-404  
Prop Location: 34 HAMILTON RD UNIT 404 Arlington, MA  
Owner: CORNELL JOANNE  
Co-Owner:  
Mailing Address:  
34 HAMILTON ROAD #404  
ARLINGTON, MA 02474  
-----

Prop ID: 20.A-4-405  
Prop Location: 34 HAMILTON RD UNIT 405 Arlington, MA  
Owner: MIGHILL CHARLES T--ETAL  
Co-Owner: GILSON CHARLOTTE  
Mailing Address:  
34 HAMILTON ROAD #405  
ARLINGTON, MA 02474  
-----

Prop ID: 20.A-4-406  
Prop Location: 34 HAMILTON RD UNIT 406 Arlington, MA  
Owner: SWITZER SHARON C  
Co-Owner:  
Mailing Address:  
34 HAMILTON ROAD #406  
ARLINGTON, MA 02474  
-----

Prop ID: 20.A-4-407  
Prop Location: 34 HAMILTON RD UNIT 407 Arlington, MA  
Owner: LOW UTA MARION  
Co-Owner:  
Mailing Address:  
34 HAMILTON ROAD #407  
ARLINGTON, MA 02474  
-----

Prop ID: 20.A-4-408  
Prop Location: 34 HAMILTON RD UNIT 408 Arlington, MA  
Owner: SHAKYA MAHENDRA & SUBARNA  
Co-Owner:  
Mailing Address:  
544 PRENTICE ST  
HOLLISTON, MA 01746  
-----

Prop ID: 20.A-4-409  
Prop Location: 34 HAMILTON RD UNIT 409 Arlington, MA  
Owner: KLEPPNER PAUL S  
Co-Owner: MUI LINDA P  
Mailing Address:  
213 FOLLEN ROAD  
LEXINGTON, MA 02421  
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-----  
Prop ID: 20.A-4-410  
Prop Location: 34 HAMILTON RD UNIT 410 Arlington, MA  
Owner: DOLHARE VISHAKHA  
Co-Owner:  
Mailing Address:  
30 CAMBRIDGEPARK DR  
UNIT 3107  
CAMBRIDGE, MA 02140  
-----

Prop ID: 20.A-4-501  
Prop Location: 34 HAMILTON RD UNIT 501 Arlington, MA  
Owner: ZHAO QIN  
Co-Owner: YU BEI  
Mailing Address:  
17 CLELLAND RD  
LEXINGTON, MA 02421  
-----

Prop ID: 20.A-4-502  
Prop Location: 34 HAMILTON RD UNIT 502 Arlington, MA  
Owner: HARE BRIAN J  
Co-Owner: NARDONE JULIE M  
Mailing Address:  
34 HAMILTON RD #502  
ARLINGTON, MA 02474  
-----

Prop ID: 20.A-4-503  
Prop Location: 34 HAMILTON RD UNIT 503 Arlington, MA  
Owner: SHUTE PRISCILLA E  
Co-Owner:  
Mailing Address:  
34 HAMILTON ROAD #503  
ARLINGTON, MA 02474  
-----

Prop ID: 20.A-4-504  
Prop Location: 34 HAMILTON RD UNIT 504 Arlington, MA  
Owner: HARRIS MATTHEW J  
Co-Owner:  
Mailing Address:  
34 HAMILTON RD UNIT 504  
ARLINGTON, MA 02474  
-----

Prop ID: 20.A-4-505  
Prop Location: 34 HAMILTON RD UNIT 505 Arlington, MA  
Owner: FABIANO JOHN G/ TRUSTEE  
Co-Owner: JEROME P FACHER REVOCABLE TRUS  
Mailing Address:  
31 HOMEWOOD RD  
WABAN, MA 02468  
-----

Prop ID: 20.A-4-506  
Prop Location: 34 HAMILTON RD UNIT 506 Arlington, MA  
Owner: EWINS GEORGE D JR ETAL /TRS  
Co-Owner: ELIZABETH I EWINS SUPPLEMENTAL  
Mailing Address:  
2979 GREENBUSH RD  
CHARLOTTE, VT 05445  
-----

Prop ID: 20.A-4-507  
Prop Location: 34 HAMILTON RD UNIT 507 Arlington, MA  
Owner: ANDERSON ERIC HALL/ TRUSTEE  
Co-Owner: ERIC HALL ANDERSON TRUST- 2019  
Mailing Address:  
34 HAMILTON ROAD #507  
ARLINGTON, MA 02474

-----  
Prop ID: 20.A-4-508  
Prop Location: 34 HAMILTON RD UNIT 508 Arlington, MA  
Owner: RAPARTHI LALITHA  
Co-Owner: VIRUPAKSHA RAPARTHI  
Mailing Address:  
34 HAMILTON RD UNIT 508  
ARLINGTON, MA 02474  
-----

Prop ID: 20.A-4-509  
Prop Location: 34 HAMILTON RD UNIT 509 Arlington, MA  
Owner: FESKO COLLEENE TRUSTEE  
Co-Owner: 34 HAMILTON ROAD TRUST  
Mailing Address:  
34 HAMILTON ROAD #509  
ARLINGTON, MA 02474  
-----

Prop ID: 20.A-4-510  
Prop Location: 34 HAMILTON RD UNIT 510 Arlington, MA  
Owner: JUROW KATHLEEN A  
Co-Owner:  
Mailing Address:  
12 CARVER STREET  
SOMERVILLE, MA 02143  
-----

Prop ID: 21-2-1  
Prop Location: 16 SPY POND PKWY Arlington, MA  
Owner: SRIDHAR SRAVISH  
Co-Owner: SRAVISH AKHILA  
Mailing Address:  
16 SPY POND PKWY  
ARLINGTON, MA 02474  
-----

Prop ID: 21-2-2.A  
Prop Location: 18 SPY POND PKWY Arlington, MA  
Owner: ONEILL EUGENE F/ LIFE ESTATE  
Co-Owner:  
Mailing Address:  
18 SPY POND PKWY  
ARLINGTON, MA 02474  
-----

Prop ID: 21-2-3  
Prop Location: 22 SPY POND PKWY Arlington, MA  
Owner: ROSS FRANCES M  
Co-Owner: BATTUELLO BRIAN V  
Mailing Address:  
22 SPY POND PKWY  
ARLINGTON, MA 02474  
-----

Prop ID: 21-2-4  
Prop Location: 26 SPY POND PKWY Arlington, MA  
Owner: CHHABRA SAMIT & ANN M  
Co-Owner:  
Mailing Address:  
26 SPY POND PKWY  
ARLINGTON, MA 02474  
-----

Prop ID: 21-2-5  
Prop Location: 30 SPY POND PKWY Arlington, MA  
Owner: MC CANN JOHN J & MARY A  
Co-Owner:  
Mailing Address:  
30 SPY POND PKWY  
ARLINGTON, MA 02474

-----  
Prop ID: 7-5-1  
Prop Location: 45-45A LAKEHILL AVE Arlington, MA  
Owner: LIU ZIJIE  
Co-Owner: LUO XIANGLING  
Mailing Address:  
45 LAKEHILL AVE  
ARLINGTON, MA 02474  
-----

Prop ID: 7-6-1  
Prop Location: 46-48 LAKEHILL AVE Arlington, MA  
Owner: PEDRELLI NINO  
Co-Owner: BRASHEARS BRUNA  
Mailing Address:  
3755 GLENHURST AVE SOUTH  
ST LOUIS PARK, MN 55416  
-----

Prop ID: 7-6-2  
Prop Location: 42-44 LAKEHILL AVE Arlington, MA  
Owner: DOANE JOAN S  
Co-Owner:  
Mailing Address:  
42 LAKEHILL AVE  
ARLINGTON, MA 02474  
-----

Prop ID: 7-6-25  
Prop Location: 39 ALFRED RD Arlington, MA  
Owner: GERA LIVIO J & GLORIA L  
Co-Owner: TRUSTEES/LIVIO GERA TRUST  
Mailing Address:  
39 ALFRED RD  
ARLINGTON, MA 02474  
-----

Prop ID: 7-6-26  
Prop Location: 2-4 PRINCETON RD Arlington, MA  
Owner: KOPANS DAVID B/LAUREN SUE  
Co-Owner:  
Mailing Address:  
2 PRINCETON ROAD  
ARLINGTON, MA 02474  
-----

Prop ID: 7-7-1  
Prop Location: 0-LOT SPY POND PKWY Arlington, MA  
Owner: PEDRELLI BRUNO & THELIA  
Co-Owner:  
Mailing Address:  
3755 GLENHURST AVE SOUTH  
ST LOUIS PARK, MN 55416  
-----

Prop ID: 7-7-2  
Prop Location: 0-LOT SPY POND PKWY Arlington, MA  
Owner: PEDRELLI BRUNO & THELIA  
Co-Owner:  
Mailing Address:  
3755 GLENHURST AVE SOUTH  
ST LOUIS PARK, MN 55416  
-----

Prop ID: 7-7-3  
Prop Location: 0-LOT SPY POND PKWY Arlington, MA  
Owner: KOPANS DAVID P/LAUREN SUE  
Co-Owner:  
Mailing Address:  
2 PRINCETON ROAD  
ARLINGTON, MA 02474  
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Prop ID: 9-3-3  
Prop Location: 0-LOT POND LN Arlington, MA  
Owner: TOWN OF ARLINGTON PARK  
Co-Owner:  
Mailing Address:  
730 MASS AVE  
ARLINGTON, MA 02476  
-----

Prop ID: 9-4-1  
Prop Location: 0-LOT POND LN Arlington, MA  
Owner: TOWN OF ARLINGTON PARK  
Co-Owner:  
Mailing Address:  
730 MASS AVE  
ARLINGTON, MA 02476  
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**Notification to Abutters Under the  
Massachusetts Wetlands Protection Act  
And Arlington Wetlands Protection Bylaw**

In accordance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, and the Arlington Wetlands Protection Bylaw, you are hereby notified of the following:

The Arlington Conservation Commission will hold a public hearing **via Zoom** or in the second floor conference room of the Town Hall Annex, 730 Massachusetts Avenue, Arlington, on Thursday, June 3, 2021, at or after 7 pm in accordance with the provisions of the Mass. Wetlands Protection Act (M.G.L. Ch. 131, s. 40, as amended) and the Town of Arlington By-Laws Article 8, By-Law for Wetland Protection, for a Notice of Intent from the Town of Arlington Conservation Commission for an Aquatic Management Program to control nuisance and non-native plant and algae growth at Spy Pond, within 100 feet of a wetland.

A copy of the application and accompanying plans are available for inspection Mon. – Fri. 8am-Noon at the Conservation Commission office, first floor of the Town Hall Annex, 730 Massachusetts Avenue and by contacting the applicant's representative, SOLitude Lake Management at (508) 865-1000 or [info@solitudelake.com](mailto:info@solitudelake.com)

For more information, call the Arlington Conservation Commission at (781) 316-3012, or SOLitude Lake Management at (508) 865-1000, or DEP Northeast Regional Office, (978) 694-3200.

NOTE: Notice of the Public Hearing will be published at least five (5) days in advance in *The Arlington Advocate* and be posted not less than 48 hours in advance in the Arlington Town Hall.



**APPENDIX 5**

**AFFIDAVIT OF SERVICE**

(Return to Conservation Commission)

I, Amanda Mahaney, being duly sworn, do hereby state as follows: on May 20, 2021, I mailed a “Notification to Abutters” in compliance with the second paragraph of Massachusetts General Laws, Chapter 131, s.40, the DEP Guide to Abutter Notification dated April 8, 1994, and the Arlington Wetlands Protection Bylaw, Title V, Article 8 of the Town of Arlington Bylaws in connection with the following matter:

The form of the notification, and a list of the abutters to whom it was provided and their addresses, are attached to this Affidavit of Service.

Signed under the pains and penalties of perjury, this 20 day of May,

Amanda Mahaney  
Name

**APPENDIX 6**

**LEGAL NOTICE CHARGE AUTHORIZATION**

DATE:

TO:     legals@wickedlocal.com

I hereby authorize Community Newspapers to bill me directly for the legal notice to  
be published in the Arlington Advocate newspaper on June 3, 2021 for a public  
hearing with the Arlington Conservation Commission to review a project at the  
following location:   Spy Pond

Thank you.

Signed:

Send bill to: Arlington Conservation Commission  
730 Mass Ave  
Arlington, MA 02476

\_\_\_\_\_

\_\_\_\_\_

Phone:

To: The Environmental Monitor

From: SOLitude Lake Management

Date: May 5, 2021

Re: Notification of filing an NOI for Spy Pond

Anticipated date of submission: May 20, 2021

The proposed project is seeking approval to initiate an Aquatic Management Program at Spy Pond in Arlington, MA. USEPA/State registered herbicides and/or algaecides will be applied to manage non-native and nuisance aquatic vegetation and algae to protect the interests of the Wetlands Protection Act by impeding eutrophication and improving habitat value.

Reviewing Conservation Commission(s):

Arlington Conservation Commission  
Town Hall  
730 Massachusetts Avenue  
Arlington, MA 02476

Copies of the NOI may be examined or acquired from the Conservation Commission, or by contacting the applicant's representative, SOLitude Lake Management, [info@solitudelake.com](mailto:info@solitudelake.com), or 508-865-1000, Monday and Friday between 9AM and 4PM.

See Conservation Commission website for the meeting schedule for exact dates and agendas.

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## ***ATTACHMENT B***

### **Project Description**

## 1.0 INTRODUCTION

The “Applicant”, the Town of Arlington Conservation Commission, is seeking approval to continue an Aquatic Management Program at Spy Pond. The objective of the management program is to control growth of submersed, non-native aquatic plant species, most notably Curly-leaf Pondweed (*Potamogeton crispus*), spiny naiad (*Najas minor*), and with potential for significant return- Eurasian Watermilfoil (*Myriophyllum spicatum*), to maintain open water habitat, improve water quality, promote growth of less pervasive native plant species and provide safe recreational access to the pond. Based on the type, distribution and density of nuisance species in Spy Pond, it has been concluded the restoration goals of the Applicant can best be achieved through the prudent use of monitoring, hand-pulling, diver-assisted suction harvesting (DASH), and US EPA/MDAR registered herbicides/algaecides.

The proposed project has been filed as an Ecological Restoration Limited Project under 310 CMR 10.53(4) and will protect the interest of the Wetland Protection Act by controlling invasive species, improving fish habitat, improving water quality and slowing lake eutrophication.<sup>1</sup>



## 2.0 PROBLEM STATEMENT

Spy Pond is a 102-acre waterbody located in Arlington, MA (Figure 1). The lake is a glaciated “kettle hole” waterbody separated by an uninhabited island; the average depth is 14 feet with the deepest point of 38 feet in the northern basin. The pond has a large littoral area that supports extensive growth of non-native and native submersed vegetation. When unmanaged, dense, topped-out aquatic plant growth is out-competing and displacing beneficial native species, degrading water quality and fish/wildlife habitat, and reducing recreational access to the lake. Elevated phosphorus levels in Spy

<sup>1</sup> Department of Environmental Protection. Guidance for Aquatic Plant Management in Lake and Ponds as it Relates to the Wetlands Protection Act: April 2004, 1 p.

Pond have been known to cause nuisance algal blooms, most concerning of which is cyanobacteria (blue-green algae) and may again require management with alum or necessitate management of blooms with algaecides. Based on the goals of the Applicant, a management program using monitoring, hand-pulling, DASH, and chemical treatment with US EPA / MDAR approved herbicides and algaecides to control the nuisance plant and algae species to restore and maintain open-water conditions and maintain desirable water quality.

Since 1999, management and monitoring of invasive plants has been performed at Spy Pond. Diquat, fluridone, and glyphosate have been the primary herbicides used at the pond and were applied, to varying degrees, between 1999 and 2020. The pond was also treated in 2004 with buffered alum to manage phosphorus levels which resulted in improved water clarity and reduced algal growth.

### 3.0 SITE DESCRIPTION

Spy Pond <sup>2</sup>	
Surface Area (acres)	102
Est. Average Depth (feet)	14
Maximum Reported Depth (feet)	38
Estimated Volume	1428 ac-ft. (465 million gal.)
Dominant Plant Species	Eurasian watermilfoil Curly-leaf pondweed Thin-leaf pondweed Common reed Stonewort (Macro-alga) Spiny Naiad

Due to its nature as a “kettle hole” pond, there is no regularly flowing inlet. A number of storm drains discharge directly to the pond. The outlet is located in the southern end, leading to Little Pond and the Alewife River. The shoreline of Spy Pond supports moderate to extensive residential development and the lake is widely used for fishing, boating, and passive wildlife viewing.

### 4.0 EXISTING CONDITIONS

A survey of the lake and its current condition was performed in May 2020 (Figure 3). At the time of this survey, the pond supported sparse vegetation throughout the littoral zone, the result of a fluridone treatment in 2020 to reduce dense growth of various aquatic invasive plant species, but specifically Eurasian watermilfoil, curly-leaf pondweed and spiny naiad (Figure 4). Numerous other submersed vegetation species were also present scattered throughout the pond, including thin-leaf pondweed (*Potamogeton pusillus*), sago pondweed (*Stuckenia pectinata*), and coontail (*Ceratophyllum demersum*). The pond shoreline also exhibits growth of non-native common reed (*Phragmites australis*) which has been managed in the past.

<sup>2</sup> Estimates based on observed and reported conditions

## 5.0 IN-LAKE MANAGEMENT RECOMMENDATIONS

### 5.1 Program Overview:

Multiple-year approval is requested for the continuation of the successful Aquatic Management Program at Spy Pond. The goal of the management program is to control growth of invasive, non-native and other nuisance plant species to improve and maintain open water habitat, promote growth of less pervasive plant species and provide safe recreational access to the lake with the use of US EPA / MDAR registered aquatic herbicides or other Best Management Practices (BMPs). Based on the chemistry of the proposed products, along with the chemical dose, timing and method of application, these herbicides can be reasonably selective for the targeted plant species with a negligible risk to non-target organisms when used in accordance with their USEPA approved labels. These products, coupled with non-chemical options (when applicable and feasible), will provide Spy Pond with an integrated management program to successfully continue the progress that has been made through past years of management. The management program has been developed to be compatible with the goals of the property owners keeping in mind the regulatory responsibilities of the Arlington Conservation Commission and the MA DEP.

Specifically, we are requesting approval to use of Reward/Tribune (diquat), ProcellaCOR EC (florpyrauxifen-benzyl), Sonar (fluridone), AquaPro (glyphosate), and Clearcast (imazamox) herbicides to control growth of nuisance plants, as well as copper-based algaecides (i.e. CUSO<sub>4</sub>, Captain, SeClear) and buffered alum to control phosphorus and algal blooms. Physical management techniques such as hand-harvesting, and diver-assisted suction harvesting (DASH) are requested as a non-chemical management technique to manage small areas of invasive species (when applicable).

The proposed products specifically affect the target plant (and algae) species to be controlled and have a negligible effect on the non-target species and wildlife when applied in accordance with the label directions. All chemicals are applied at or below suggested doses according to the product label. In addition, doses are based on plant types and densities so that a minimum amount of the chemicals are introduced into the lake.

No significant alteration to wetland resources areas will occur as a result of the proposed lake management program; instead the resource areas will be enhanced by controlling a non-native, invasive aquatic plant species and improving water quality.

### 5.2 Proposed Products

#### **Florpyrauxifen-benzyl (ProcellaCOR EC - EPA # 67690-80 or equivalent)**

ProcellaCOR (florpyrauxifen-benzyl) is a recently registered herbicide in Massachusetts and is an effective, selective, systemic herbicide on milfoil, hydrilla, and emergent species.

The herbicide will be applied to the area at or below the permissible label dose. Due to the limited contact-exposure time required for control of the target species, concentrations only need to be maintained for hours to several days to achieve management. Temporary water-use restrictions for ProcellaCOR include no non-agricultural irrigation to vegetation other than turf according to Table on product label (6 hours to 35 days) – at rates used in the Northeast, this restriction is typically 2-7 days and can be determined based on post-treatment herbicide residue sampling. There are no restrictions on swimming, boating, or fishing, but prudent herbicide/algaecide management suggests that we close

the waterbody on the day of treatment. The shoreline of the waterbody will be posted with signs warning of these temporary water-use restrictions, prior to treatment.

The herbicide is quickly absorbed by the target vegetation and translocated within the plant. The mode of action of the herbicide causes impacted vegetation to lose structural integrity at growth nodes. Residual levels of the herbicide in treated water decline rapidly and reduction is due to the uptake by the targeted vegetation and degradation.

The use rates for ProcellaCOR is 200-400 times lower than older chemistry formulations, achieving a Reduced Risk Classification by the USEPA. Excellent selectivity and minimal impact to non-target species has been demonstrated with ProcellaCOR treatments that have been performed in the Northeast to date (approximately 100). Of the species reported in Spy Pond, the only plants that may show some impact following treatment is coontail (*Ceratophyllum demersum*). Coontail is typically not impacted by ProcellaCOR treatments except when using rates of 4+ PDUs/ac-ft.

**Impacts Specific to the Wetlands Protection Act using Florpyrauxifen-benzyl**

- Protection of public and private water supply – Neutral (no significant interaction)
- Protection of groundwater supply – Generally neutral (no interaction)
- Flood control - Neutral (no significant interaction)
- Storm damage prevention – Neutral (no significant interaction)
- Prevention of pollution – Generally neutral (no significant interaction), but could be a detriment if plant die-off causes low oxygen at the bottom of the lake
- Protection of land containing shellfish - Generally neutral (no significant interaction), but reduced algae might reduce food resources for shellfish, and direct toxicity is possible under unusual circumstances
- Protection of fisheries - Possible benefit (habitat enhancement) and possible detriment (food source alteration, loss of cover)
- Protection of wildlife habitat – Possible benefit (habitat enhancement) and possible detriment (food source alteration, loss of cover)

**Diquat (Reward - EPA # 100-1091 or equivalent)**

The USEPA/MA registered herbicide diquat dibromide will be applied to the area at or below the permissible label dose. Reward is a widely used herbicide, applied to greater than 500 lakes and ponds annually, throughout the northeast, to control nuisance submersed aquatic plants. Diquat would be applied to control nuisance submersed plant growth at the application rate of 1.0-2.0 gal/acre, if necessary. Temporary water use restrictions for diquat are: 1) No drinking or cooking for 3 days. 2) No irrigation of turf for 3 days and of food crops for 5 days, and 3) No livestock watering for 1 day. There are no restrictions on swimming, boating, or fishing, but prudent herbicide/algaecide management suggests that we close the lake on the day of treatment. The shoreline of the lake will be posted with signs warning of these temporary water use restrictions, prior to treatment.

Diquat is translocated to some extent within the plant. Its rapid action tends to disrupt the leaf cuticle of plants and acts by interfering with photosynthesis. Upon contact with the soil, it is absorbed immediately and thereby biologically inactivated. Residual levels of diquat in treated water decline rapidly and their reduction is due to the uptake by the targeted vegetation and adsorption to suspended soil particles in the water or on the bottom mud. Photochemical degradation accounts for some loss under conditions of high sunlight and clear waters.



### Impacts Specific to the Wetlands Protection Act using Diquat<sup>3</sup>

- Protection of public and private water supply – Benefit (water quality improvement)
- Protection of groundwater supply – Neutral no interaction as diquat is absorbed to soil particles
- Flood control - Neutral (no significant interaction)
- Storm damage prevention – Neutral (no significant interaction)
- Prevention of pollution – Generally neutral (no significant interaction), but could be a detriment if plant die-off causes low oxygen at the bottom of the lake
- Protection of land containing shellfish - Generally neutral (no significant interaction), but reduced algae might reduce food resources for shellfish, and direct toxicity is possible under unusual circumstances
- Protection of fisheries - Possible benefit (habitat enhancement) and possible detriment (food source alteration, loss of cover)
- Protection of wildlife habitat – Possible benefit (habitat enhancement) and possible detriment (food source alteration, loss of cover)

### Glyphosate (AquaPro – EPA #62719-324-67690 or equivalent)

Glyphosate is a systemic herbicide that offers excellent long-term control of invasive emergent vegetation species such as Phragmites in Spy Pond. This herbicide is foliar active, which means its chemical ingredient is active only on contact with the plant. Therefore, this chemical must be applied to the dry leaves, upon which it is translocated down into the rhizomes of the plant. Glyphosate is absorbed by plant foliage and moves throughout plant tissues. Once inside the plant, glyphosate interrupts the plant's ability to produce a protein it needs to live; thereby, resulting in effective long-term control. For invasive emergent vegetation species, Common Reed, this chemical is applied in the late summer/fall when nutrients are transferred into the root system and mid to late July/ prior to seed formation, respectively.

Glyphosate will be applied at or below the recommended Federal/State concentration of 3 quarts/acre. This product will be placed into a mixing tank with a surfactant (Cide-kick; d'limonene and related isomers plus selected emulsifiers); this surfactant ensures adhesion to the foliar portions of the plant. This mixture will be diluted with fresh pond water. Application varies based on target species. All applications will be timed with calm weather when wind gusts are less than five miles per hour to ensure no herbicide drift effects surrounding beneficial flora. The treatment will also be timed to ensure that a rain event will not occur within eight hours of the treatment. This herbicide binds tightly to the soil and has no activity in surrounding water; therefore, there is low potential for leaching and contamination of groundwater. Furthermore, this herbicide is quickly broken down by microorganisms in the soil.

There are no water use restrictions associated with the use of glyphosate other than no-treatment within ¼ of a mile (1320-ft) of potable water intakes. Although there are no restrictions on swimming, boating or fishing, prudent use suggests that we close the pond on the day of treatment. The shoreline of the lake will be posted with signs warning of these temporary water uses restrictions, prior to treatment.

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<sup>3</sup> Commonwealth of Massachusetts Executive Office of Environmental Affairs. *Practical Guide to Lake Management*: 2004. 124 p.

### Impacts Specific to the Wetlands Protection Act using Glyphosate<sup>4</sup>

- Protection of public and private water supply – Detriment (prohibition within one quarter mile of surface water supplies due to toxicity), but generally neutral where allowed
- Protection of groundwater supply – Neutral (no interaction)
- Flood control & Storm damage prevention – Neutral (no significant interaction)
- Prevention of pollution – Generally neutral (no significant interaction), but could be a detriment if plant die-off causes low oxygen at the bottom of the pond
- Protection of land containing shellfish – Neutral (no significant interaction)
- Protection of fisheries - Possible benefit (habitat enhancement) and possible detriment (food source alteration, loss of cover)
- Protection of wildlife habitat – Possible benefit (habitat enhancement) and possible detriment (food source alteration, loss of cover)

### Fluridone (Sonar – EPA # 67690-4 or equivalent)

Fluridone is a systemic herbicide that offers long-term control on invasive and nuisance aquatic vegetation in Spy Pond. This herbicide hinders the ability of susceptible plants to produce carotene which protects chlorophyll from photodegradation, which results in mortality and subsequent long-term control of the targeted species (i.e., directly impacts the standing population and prevents future spread). This process is known as chlorosis and may be observed visually as the plant begins to lose its green color and take on a white or pink shade. Fluridone requires an extended contact time (45-60) so it has historically been used for low-dose, whole-pond treatments where dilution and contact time are more predictable, however, new granular formulations do allow for more effective spot-treatment.

Fluridone when applied at recommended dosages is generally viewed as having one of the most environmentally friendly toxicology profiles of all products currently on the market. In fact, the US EPA has approved a limit of 150 ppb to be allowed in water used for drinking, which is also the maximum application rate for waterbodies 10 acres and larger, such Spy Pond. Ideally, fluridone treatments are initiated early in the growing season when target vegetation is low or starting emergence. Presently, liquid and granular formations of this herbicide are available and included under this management plan. For aqueous applications, this chemical will be placed into an onboard mixing tank, mixed with pond water and evenly distributed throughout the surface of the treatment area via boat. This herbicide will be injected under the water surface through trailing hoses, minimizing the chance of chemical drift and assuring accurate placement of over the target species. For granular applications, the herbicide will be placed into a Herd spreader mounted to the bow of the treatment vessel and evenly distributed over the surface of the treatment area. If used at Spy Pond, the target rate would likely be <20 ppb which is significantly below the maximum labeled rate.

Fluridone water use restrictions include no application within one-quarter mile of a potable water intake and no use of treated water for irrigation purposes within 30 days of application. Although there are no restrictions on swimming, boating or fishing, prudent use suggests that we close the pond on the day of treatment. The shoreline of the pond will be posted with signs warning of these temporary water uses restrictions, prior to treatment.

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<sup>4</sup> Commonwealth of Massachusetts Executive Office of Environmental Affairs. *Practical Guide to Lake Management*: 2004. 128 p.

### Impacts Specific to the Wetlands Protection Act using Fluridone<sup>5</sup>

- Protection of public and private water supply – Generally neutral, but may have detriment at high doses (prohibition within 0.25-mi. of drinking water intakes at doses >20 ppb)
- Protection of groundwater supply – Generally neutral (no significant interaction)
- Storm damage prevention – Neutral (no significant interaction)
- Prevention of pollution – Generally neutral (no significant interaction)
- Protection of land containing shellfish - Generally neutral (no significant interaction)
- Protection of fisheries - Possible benefit (habitat enhancement) and possible detriment (food source alteration, loss of cover)
- Protection of wildlife habitat – Possible benefit (habitat enhancement) and possible detriment (food source alteration, loss of cover)

### Imazamox (Clearcast – EPA # 241-437-67690)

The USEPA/MA registered herbicide Imazamox will be applied to the area at or below the permissible label dose. It has been utilized to manage submersed, floating-leaf, and emergent vegetation. Imazamox would be applied foliarly to control invasive Phragmites or water chestnut growth at the application rate of 1.5 lbs ae/acre, if necessary. Temporary water use restrictions for Imazamox are: 1) No drinking or cooking until residue testing results are below 50 ppb, 2) No irrigation until concentrations are below 50 ppb. There are no restrictions on swimming, boating, fishing, watering of livestock, or domestic use, but prudent herbicide/algaecide management suggest that we close the pond on the day of treatment. The shoreline of the pond will be posted with signs warning of these temporary water use restrictions prior to treatment.

Imazamox is a systemic herbicide. When applied as a foliar spray, it is quickly absorbed by foliage and/or plant roots and rapidly translocated to the growing points stopping growth. The concentrated herbicide is diluted with pond water onboard the treatment vessel and applied to the water chestnut leaves floating on the water's surface via a low-volume pumping system. A spray adjuvant will be mixed with the diluted herbicide to improve efficacy.

### Impacts Specific to the Wetlands Protection Act using Imazamox

- Protection of public and private water supply – Generally neutral, but may have detriment at high doses (setback of treatment required, with distance based on dose and area treated)
- Protection of groundwater supply – Neutral (no interaction as imazamox is absorbed to soil particles)
- Flood control - Neutral (no significant interaction)
- Storm damage prevention – Neutral (no significant interaction)
- Prevention of pollution – Generally neutral (no significant interaction), but could be a detriment if plant die-off causes low oxygen at the bottom of the pond
- Protection of land containing shellfish - Generally neutral (no significant interaction), but reduced algae might reduce food resources for shellfish, and direct toxicity is possible under unusual circumstances
- Protection of fisheries - Possible benefit (habitat enhancement) and possible detriment (food source alteration, loss of cover)
- Protection of wildlife habitat – Possible benefit (habitat enhancement) and possible detriment (food source alteration, loss of cover)

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<sup>5</sup> Commonwealth of Massachusetts Executive Office of Environmental Affairs. *Practical Guide to Lake Management*. 2004. 133 p.

### **Copper-Based Algaecides**

Approval for the use of a copper-based algaecide (i.e. CuSO<sub>4</sub>, SeClear, Captain) is requested in the event that nuisance algae conditions develop, warranting treatment. Copper based algaecides are widely used and are applied to lakes and ponds throughout North America to control nuisance filamentous and microscopic algae. There are no water use restrictions associated with copper-based algaecides and Aquatic Control treats several direct, potable (drinking) water reservoirs and a number of recreation waterbodies in the Commonwealth with these algaecides, on a yearly basis. The concentrated liquid algaecides that are first diluted with lake water and then sprayed throughout the lake area. The application rate is generally 0.2 ppm or less for algae control. If applied, treatment will not exceed 50% of the lake volume.

### **Impacts Specific to the Wetlands Protection Act using Copper<sup>6</sup>**

- Protection of public and private water supply – Benefit (used to control algae)
- Protection of groundwater supply – Neutral (no significant interaction)
- Flood control - Neutral (no significant interaction)
- Storm damage prevention – Neutral (no significant interaction)
- Prevention of pollution - Generally neutral (no significant interaction), but could be a detriment if algae/plant die-off causes low oxygen at the bottom of the lake or causes release of taste and odor compounds or toxins
- Protection of land containing shellfish - Generally neutral (no significant interaction), but reduced algae might reduce food resources for shellfish, and direct toxicity is possible under unusual circumstances.
- Protection of fisheries - Possible benefit (habitat enhancement) and possible detriment (food source alteration, direct toxicity)
- Protection of wildlife habitat – Possible benefit (habitat enhancement) and possible detriment (food source alteration, direct toxicity)

### **Buffered Alum**

The goal of alum treatment is to strip the water column of phosphorus and inactivate the phosphorus in the bottom sediments. This is accomplished by applying an aluminum salt to the pond (aluminum sulfate) which reacts with the water to form an insoluble aluminum hydroxide solid (floc). This floc falls through the water column chemically and physically removing phosphorus and then settles to the bottom forming a “blanket”, which effectively inactivates the phosphorus in the sediment.

Once applied, the reaction of alum and water (especially soft water lakes) causes the water to become acidic (low pH). To counter this effect, a buffer solution of sodium aluminate is applied simultaneously along with the alum. At a volumetric ratio of typically 2 parts alum to 1 part sodium aluminate, the pH will remain near background throughout the treatment process. The use of sodium aluminate is preferred over other buffer solutions because it also contributes to the aluminum dose.

Proper herbicide application allows for targeted plant control without posing an unreasonable adverse risk to non-target species and wildlife. Written approval from the Commission will be sought should alternate products be considered in future years. All products proposed for use will be registered for aquatic use in Massachusetts.

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<sup>6</sup> Commonwealth of Massachusetts Executive Office of Environmental Affairs. *Practical Guide to Lake Management*: 2004. 122 p.

### Hand-Harvesting/Diver-Assisted Suction Harvesting (DASH)

With this technique, a snorkeler or diver selectively pulls out unwanted plants by hand and either puts them in a collection bag or, in the case of DASH, feeds the plant material into a suction hose which then discharges onto a screen on the topside boat. The water is then allowed to run back into the lake and the screened material is put into bins for later disposal to an upland area. This is a highly selective technique, and a labor intensive one. Normally well suited to vigilant efforts to keep out invasive species that have not yet become established or after large-scale systemic herbicide treatment efforts, it can also be employed to clear small areas of plants in high-use locations. This technique is not well suited for large-scale efforts, especially when the target species or assemblage occurs in dense or expansive beds.

Suction harvesting is also used to augment hand harvesting, allowing for a higher rate of pulling in a targeted area, as the diver/snorkeler does not have to carry pulled plants to a disposal point. It is recommended for localized infestations. The effectiveness is limited to small areas, typically less than one-half acre. All harvesting will be conducted by certified SCUBA divers with experience identifying and managing the target species. Harvested material will be disposed of at an offsite facility.

### Impacts Specific to the Wetlands Protection Act using Hand Harvesting

- Protection of public and private water supply – Neutral (no significant interaction)
- Protection of groundwater supply – Neutral (no significant interaction)
- Flood control - Neutral (no significant interaction)
- Storm damage prevention – Neutral (no significant interaction)
- Prevention of pollution - Generally neutral (no significant interaction), but could be a detriment if sediment disruption results in high turbidity
- Protection of land containing shellfish - Generally neutral (no significant interaction)
- Protection of fisheries – Generally neutral (no significant interaction)
- Protection of wildlife habitat – Generally neutral (no significant interaction), but may have benefit and detriment to different species

### Chemical Descriptions

Detailed information on all the herbicides proposed in this NOI can be found at the **Massachusetts Department of Conservation and Recreation, Lakes and Ponds Program website**. There are links under the Publications tab to the "Generic Environmental Impact Report for Eutrophication and Lake Management in Massachusetts" and the "Practical Guide to Lake Management in Massachusetts."

<<http://www.mass.gov/eea/agencies/dcr/water-res-protection/lakes-and-ponds/lakes-ponds-more-pubs-generic.html>>

Additional information on these herbicides can be found at the **Massachusetts Department of Agricultural Resources website**: <<http://www.mass.gov/agr/pesticides/water/Aquatic/Herbicides.htm>>  
**See Attachment D for additional information.**

### 5.3 Monitoring:

Annual inspections, including detailed point-intercept surveys during the pre-and post-management period will be conducted in order to finalize the treatment areas and assess the growth phase of the target plant species. The post-management inspection and point-intercept survey will be conducted in order to assess the efficacy of the management efforts and any impacts on non-target species so future applications can be properly adjusted to minimize non-target impacts.

## **6.0 ALTERNATIVES ANALYSIS**

Alternatives to the proposed Aquatic Plant Management Plan were considered. SOLitude Lake Management evaluated all available strategies for control of the nuisance aquatic species in Spy Pond. Findings and recommendations were based on direct experience and discussions found in the *Eutrophication and Aquatic Plant Management in Massachusetts Final Generic Environmental Impact Review* (FGEIR, EOE 2004).

### *Bottom Weed Barriers: Not Recommended at this Time*

Physical controls, such as the use of bottom weed barriers (i.e. Aquatic Weed Net or Palco) can be effective for small dense patches of nuisance vegetation, but are not cost effective or feasible for large areas. Weed barriers are expensive to install and maintain at ~\$1.75/ft<sup>2</sup> (material & installation). Semi-annual maintenance to retrieve, clean and re-deploy the barriers would be expensive and time consuming. Additionally, covering expansive areas of the lake bottom may also have detrimental impacts on invertebrates or other types of wildlife. This technique could possibly be employed in future years to control select small dense patches of regrowth between whole lake systemic treatments.

### *Hydro-Raking: Not Recommended at this Time*

The mechanical Hydro-Rake can best be described as a “floating backhoe” with a York Rake attachment. The barge is paddle wheel driven to facilitate operation in shallow water (<2 feet) and it can effectively work to depths of about 12 feet. It works from the water, thereby avoiding damage to sensitive shoreline habitat and property. This machine “rakes” the upper sediment layer, collecting plants and their root systems. The Hydro-Rake is well suited for the removal of plants with large rhizome structures and in that case can provide multiple years of control. The target species for control at Spy Pond have comparatively small root structures, and as such, control is likely to be annual at best, with considerable temporary disturbance. The target species also reproduce through fragmentation, as well as by reproductive structures (or turions), or by seed, so mechanical removal is not typically recommended because of increased potential for fragmentation and accelerated spread.

### *Harvesting: Not Recommended*

Harvesting invasive species like the ones present in Spy Pond is typically not recommended because of its ability to reproduce through vegetative fragmentation, leading to increased spread into previously un-infested areas or further intensifying growth rates. Additionally, harvesting would be costly and at best would only provide a season of relief from the target species. The disruption and non-target impacts would be more significant than with spot-treatments using aquatic herbicides.

### *Biological: Not Recommended*

There are no effective biological controls available or approved by the State for the control of the invasive aquatic plant species present in Spy Pond.

*Sediment Excavation/Dredging: Not Recommended at this Time*

Dredging nutrient rich bottom sediment is sometimes used as a strategy to control excessive weed growth. Conventional (dry) or hydraulic dredging would require the expenditure of hundreds of thousands of dollars in design and permitting fees alone. Dredging may also have severe impacts to aquatic organisms (i.e. fish and macroinvertebrates) in the lake with no guarantees of elimination of invasive vegetation.

*Do Nothing: Not Recommended*

If the invasive plant growth is allowed to continue unabated, eutrophication and filling-in at the lake will continue to occur at an accelerated rate due to the annual decomposition of excessive plant material. Anoxic conditions would degrade water quality and potentially impact fish and other aquatic organisms. Stagnant conditions will also increase water temperatures promoting both algae and bacterial growth as well as providing extensive mosquito breeding habitat. The lake's recreational and aesthetic value has also been and would continue to be significantly degraded.

## 7.0 COMPLIANCE

Massachusetts Wetlands Protection Act:

The objective of this project is to control invasive species through use of US EPA / MDAR registered aquatic herbicides.

Controlling densities of native species will typically not adversely affect wildlife habitat and will not negatively impact other interests of the Massachusetts Wetlands Protection Act. No significant alteration to wetland resources areas will occur as a result of the proposed management program; instead the resource areas will be enhanced by controlling the nuisance plant growth. The proposed management activities are consistent with the guidelines in the following documents:

- Final Generic Environmental Impact Report: Eutrophication and Aquatic Plant Management in Massachusetts (June 2004)
- Guidance for Aquatic Plant Management in Lakes and Ponds: As it Relates to the Wetlands Protection Act (April 2004 – DEP Policy/SOP/Guideline # BRP/DWM/WW/G04-1)
- The Practical Guide to Lake Management in Massachusetts (2004)

DEP License To Apply Chemicals:

All chemical applications will be performed by Certified Applicators. The USEPA/MA registered aquatic herbicides will be applied at recommended label rates, in accordance with the "Order of Conditions" and DEP "License to Apply Chemicals" permits (BRP WM04). Prior to treatment the shoreline will be posted with signs, warning of all temporary water use restrictions prior to treatments. A site specific "License to Apply Chemicals" for the proposed treatment will be filed with Massachusetts DEP, Office of Watershed Management.

Massachusetts Environmental Policy Act:

The strategies proposed in this NOI are options approved under the Massachusetts Environmental Protection Act (MEPA) process that was approved in 2004 with the issuance of the FGEIR and the *Practical Guide to Lake and Pond Management in Massachusetts*. These approaches do not require individual MEPA review.



*Massachusetts Endangered Species Act:*

According to the most recent Natural Heritage maps provided by MA GIS, Spy Pond is located within areas designated as Estimated Habitats of Rare Wildlife and Priority Habitats of Rare Species (Figure 5) as determined by the Massachusetts Natural Heritage & Endangered Species Program (NHESP).

**8.0 IMPACTS OF THE PROPOSED MANAGEMENT PLAN SPECIFIC TO THE WETLANDS PROTECTION ACT**

Protection of public and private water supply – Spy Pond is not used directly as a drinking water supply. Aquatic herbicide treatment at the lake will not have any adverse impacts on the public or private water supply, when used in accordance with the project label and conditions of the MA DEP License to Apply Chemicals.

Protection of groundwater supply – According to available studies, there is no reason to believe that the groundwater supply will be adversely impacted by the application of the chemicals at the proposed rates to Spy Pond, when used in accordance with the project label. Contamination of groundwater by aquatic herbicides is limited by their low rate of application, rapid rate of degradation, and uptake by target plants. SLM's State licensed applicators take all necessary precautions when mixing and disposing of all chemical containers.

Flood control and storm damage prevention – No construction, dredging or alterations of the existing floodplain and storm damage prevention characteristics of the pond are proposed. However, in some instances, abundant and excessive aquatic plant growth can contribute to high water and flooding. Most commonly this occurs in the vicinity of waterbody outlets or water conveyance channels and structures. The unmanaged, annual growth and decomposition of abundant plant growth is also known to increase sediment deposition at an accelerated rate. Therefore, the application of aquatic herbicides may increase the capacity of the resource area over the long-term to provide flood protection.

Prevention of pollution – No degradation of water quality or increased pollution is expected by the application of the herbicides. The proposed herbicides are relatively slow acting in controlling the invasive vegetation. This results in a slow release of nutrients from the decaying plants, reducing the potential for increases in nutrients that can cause algae blooms. Removal of the excessive growth of aquatic vegetation will contribute to improved water circulation and a reduction in the potential for anoxic conditions. The post-treatment decrease in plant biomass will help to decrease the rate of eutrophication currently caused by the decomposing of excessive plant material.

Protection of fisheries and shellfisheries – Contiguous, dense beds of aquatic vegetation provide poor habitat for most species of fish. Dense plant cover frequently results in significant diurnal fluctuations in dissolved oxygen as well as oxygen depletion during certain times of the year. While temporary effects on some desirable submersed and floating-leafed species may occur following the application of an aquatic herbicide, non-target plants typically rebound quickly. Shoreline emergent plants will not be impacted following the use of aquatic herbicides.

Protection of wildlife and wildlife habitat – In general, excessive and abundant plant growth, especially non-native plants, provides poor wildlife habitat for fish and other wildlife. The proposed management plan is expected to help prevent further degradation of the waterbody through excessive weed growth



and improve the wildlife habitat value of the pond in the long-term. Maintaining a balance of open water and vegetated areas is intended.

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## ***ATTACHMENT C***

### **Figures**



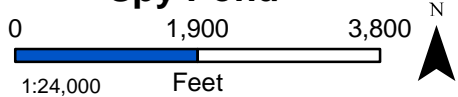
**FIGURE 1: Site Locus**



**Spy Pond**  
Arlington, MA



**Spy Pond**



Map Date: 12/2/2020  
Prepared by: ALM  
Office: 437 of 573  
SHREWSBURY, MA



## FIGURE 2: Natural Heritage and Endangered Species Program



**Spy Pond**  
Arlington, MA



### Spy Pond

0 1,900 3,800  
1:24,000 Feet



Map Date: 12/2/2020  
Prepared by: ALM  
Office: 438 of 573  
SHREWSBURY, MA



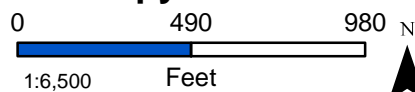
**FIGURE 3:** Distribution of Invasive Aquatic Species



**Spy Pond**  
Arlington, MA



**Spy Pond**



Map Date: 08/07/2017  
Prepared by: ALM  
Office: SHREWSBURY, MA  
439 of 573

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## ***ATTACHMENT D***

### **Herbicide/Algaecide Information**

Detailed information herbicides proposed in this NOI can be found at the **Massachusetts Department of Conservation and Recreation, Lakes and Ponds Program website**. There are links under the Publications tab to the "Generic Environmental Impact Report for Eutrophication and Lake Management in Massachusetts" and the "Practical Guide to Lake Management in Massachusetts."

<<http://www.mass.gov/eea/agencies/dcr/water-res-protection/lakes-and-ponds/>>

Additional information on these herbicides can be found at the **Massachusetts Department of Agricultural Resources website**

<http://www.mass.gov/eea/agencies/agr/pesticides/aquatic-vegetation-management.html>



## Town of Arlington, Massachusetts

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### Notice of Intent: 12-14 Brooks Avenue MassDEP File # 091-0333

#### Summary:

8:15 p.m.

This project proposes to construct two rear decks using concrete sono-tube footings. The property and the proposed footings are located within Bordering Land Subject to Flooding and the 100-foot Buffer Zone to a Bordering Vegetated Wetland. Erosion controls will be used to minimize the potential for impacts to the resource areas during construction. If approved the project will provide compensatory flood storage, and reduce impervious area to improve existing site conditions. This is a continued hearing from 9/23/2021.

#### ATTACHMENTS:

Type	File Name	Description
Reference Material	DEP_File_Number-12-14_Brooks_Avenue.pdf	DEP File Number 12-14 Brooks Ave.
Reference Material	NOI_Application_-_12-14_Brooks_Avenue.pdf	NOI Application 12-14 Brooks Avenue
Reference Material	12_Brooks_Ave_Survey.pdf	12 Brooks Ave. Survey
Reference Material	12_Brooks_Ave_Plans.pdf	12 Brooks Ave Plans
Reference Material	12_Brooks_Ave_Wetlands_Map.pdf	12 Brooks Ave Wetlands Map
Reference Material	12_Brooks_Ave_Floodplain_Map.pdf	12 Brooks Ave. Floodplain Map
Reference Material	12_Brooks_Ave_1.jpg	12 Brooks Ave. Image 1
Reference Material	12_Brooks_Ave_2.jpg	12 Brooks Ave. Image 2
Reference Material	12_Brooks_Ave_3.jpg	12 Brooks Ave. Image 3
Reference Material	12_Brooks_Ave_4.jpg	12 Brooks Ave. Image 4
Reference Material	12_Brooks_Ave_5.jpg	12 Brooks Ave. Image 5
Reference Material	12_Brooks_Ave_6.jpg	12 Brooks Ave. Image 6



# Wetlands NOI Project Information

## Related links

There are no related links for displayed element.

NOI Number ?

091-0333

Applicant Information

PINI KELLIE

Filing Date ?

09/09/2021

Filing Type ?

NOI

Project Type

Single Family Home

Project Address

12-14 BROOKS AVENUE

Comments

SYSTEM GENERATED TASK

Technical Comments

## Inland Resource Areas

RESOURCE AREA ALTERED	PROPOSED ALTERATION	PROPOSED REPLACEMENT
-----------------------	---------------------	----------------------

442 of 573



BORDERING LAND SUBJECT TO FLOODING	6.3	262
	(square feet)	(square feet)
	14.5	14.5
	(Cubic feet)	(Cubic feet)

Coastal Resource Areas

RESOURCE AREA ALTERED	PROPOSED ALTERATION	PROPOSED REPLACEMENT
-----------------------	---------------------	----------------------

 PREVIOUS

Q SEARCH AGAIN

EEA Site Policies (<https://www.mass.gov/site-policies>)

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# Notice of Intent Application

---

September 9, 2021



Subject Property

12-14 Brooks Avenue

Parcel ID: 4-1-9

Arlington, Massachusetts

Applicant and Property Owner

Kellie Pini

12 Brooks Avenue

Arlington, MA 02474

**LEC Environmental Consultants, Inc.**

380 Lowell Street

Suite 101

Wakefield, MA 01880

781-245-2500

*[www.lecenvironmental.com](http://www.lecenvironmental.com)*

September 9, 2021

## Hand Delivery

Arlington Conservation Commission  
Arlington Town Hall Annex  
730 Massachusetts Avenue  
Arlington, MA 02476

**Re: Notice of Intent Application**  
**12-14 Brooks Avenue**  
**Parcel ID: 4-1-9**  
**Arlington, Massachusetts**

[LEC File #: PiniK\21-329.02]

Dear Members of the Conservation Commission:

On behalf of the Applicant and Property Owner, Kellie Pini, LEC Environmental Consultants, Inc., (LEC) is filing the enclosed Notice of Intent (NOI) Application with the Arlington Conservation Commission to construct two rear decks at 12-14 Brooks Avenue in Arlington, Massachusetts. The property and the proposed concrete sonotube support footings are located within Bordering Land Subject to Flooding (BLSF) and the 100-foot Buffer Zone to Bordering Vegetated Wetland (BVW). The Applicant proposes to implement erosion controls to minimize the potential for impacts to the resource areas during construction, provide compensatory flood storage, and reduce impervious area to improve existing site conditions.

LEC was retained to identify Wetland Resource Areas protectable under the *Massachusetts Wetlands Protection Act* (M.G.L. c. 131, s. 40, the *Act*), its implementing Regulations (310 CMR 10.00, the *Act Regulations*), the *Town of Arlington Wetlands Protection Bylaw* (Article 8, the *Bylaw*), and its implementing *Wetlands Protection Regulations* (March 1, 2018, the *Bylaw Regulations*), and to prepare this NOI Application. Rober Survey has prepared the enclosed *Conservation Plan in Arlington, MA*, dated June 8, 2021 showing the existing and proposed conditions (Appendix B).

Enclosed please find two checks made payable to the Town of Arlington in the amounts of Sixty-Seven Dollars and Fifty Cents (\$67.50) and Two Hundred Dollars (\$200.00) for the purpose of filing this Application under State and Local guidelines, respectively. A check payable to the Commonwealth of Massachusetts in the amount of Forty-Two Dollars and Fifty Cents (\$42.50) has been mailed to the DEP Lockbox with a copy of the NOI Wetland Fee Transmittal Form.

LEC Environmental Consultants, Inc.

www.lecenvironmental.com

12 Resnik Road  
Suite 1  
Plymouth, MA 02360  
508.746.9491

380 Lowell Street  
Suite 101  
Wakefield, MA 01880  
781.245.2500

100 Grove Street  
Suite 302  
Worcester, MA 01605  
508.753.3077

P.O. Box 590  
Rindge, NH 03461  
603.899.6726

680 Warren Avenue  
Suite 3  
East Providence, RI 02914  
401.685.3109

445 of 573

PLYMOUTH, MA

WAKEFIELD, MA

WORCESTER, MA

RINDGE, NH

EAST PROVIDENCE, RI



Thank you for your consideration of this Application. We look forward to meeting with you at the September 23, 2021 Public Hearing. Should you have any questions, please do not hesitate to contact me in our Wakefield office at 781-245-2500 or at rkirby@lecenvironmental.com.

Sincerely,

**LEC Environmental Consultants, Inc.**

A handwritten signature in black ink, appearing to read "Richard A. Kirby", with a stylized flourish at the end.

Richard A. Kirby  
Senior Wetland Scientist

A handwritten signature in black ink, appearing to read "Julia Hoozeboom", in a cursive style.

Julia Hoozeboom  
Wetland Specialist

cc: DEP, Northeast Region  
Kellie Pini

---

jah: projects\21-329.02\NOIReport.doc

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i.	WPA Form 3 – Notice of Intent
ii.	WPA Appendix B – Wetland Fee Transmittal Form
iii.	Local Filing Fee Form
iv.	Legal Charge Authorization Form
v.	Affidavit of Service
vi.	Letter to Abutters
vii.	Abutter Notification Form
viii.	Certified List of Abutters

## Notice of Intent Report

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<b>1.</b>	<b>Introduction</b>	<b>1</b>
<b>2.</b>	<b>General Site Description</b>	<b>1</b>
2.1	Natural Heritage and Endangered Species Program Designation	3
<b>3.</b>	<b>Wetland Resource Areas</b>	<b>3</b>
3.1	Bordering Land Subject to Flooding	3
3.2	Bordering Vegetated Wetland (BVW)	5
<b>4.</b>	<b>Proposed Construction Activities</b>	<b>5</b>
<b>5.</b>	<b>Mitigation Measures</b>	<b>6</b>
5.1	Erosion and Sedimentation Control	7
5.3	Compensatory Flood Storage	7
<b>6.</b>	<b>Regulatory Performance Standards</b>	<b>7</b>
6.1	Bordering Land Subject to Flooding Performance Standards	8
6.2	Bylaw Performance Standards for Work Within the Floodplain	9
6.3	BLSF Climate Resiliency	10
6.4	General Climate Resiliency	10
<b>7.</b>	<b>Summary</b>	<b>11</b>

## Literature Cited

**Appendices**

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**Appendix A**

Locus Maps

Figure 1: USGS Topographic Quadrangle

Figure 2: FEMA Flood Insurance Rate Map

Figure 3: MassGIS Orthophoto & NHESP Estimated Habitat Map

**Appendix B**

*Conservation Plan in Arlington, MA* prepared by Rober Survey, dated June 8, 2021



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands

# WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40  
Town of Arlington Wetlands Protection Bylaw (Article 8)

Provided by MassDEP:

MassDEP File Number

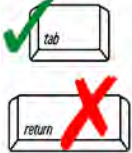
Document Transaction Number

Arlington

City/Town

**Important:**

When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Note:  
Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

## A. General Information

1. Project Location (**Note:** electronic filers will click on button to locate project site):

12-14 Brooks Avenue

a. Street Address

Arlington

b. City/Town

02474

c. Zip Code

Latitude and Longitude:

42.401134988703 N

d. Latitude

-71.144871317096 W

e. Longitude

Parcel ID: 4-1-9

f. Assessors Map/Plat Number

g. Parcel /Lot Number

2. Applicant:

Kellie

a. First Name

Pini

b. Last Name

N/A

c. Organization

12 Brooks Avenue

d. Street Address

Arlington

e. City/Town

MA

f. State

02474

g. Zip Code

781-820-9180

h. Phone Number

N/A

i. Fax Number

kapc@verizon.net

j. Email Address

3. Property owner (required if different from applicant): ☐ Check if more than one owner

Same as Applicant

a. First Name

b. Last Name

c. Organization

d. Street Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email address

4. Representative (if any):

Richard

a. First Name

Kirby

b. Last Name

LEC Environmental Consultants, Inc.

c. Company

380 Lowell Street, Suite 101

d. Street Address

Wakefield

e. City/Town

MA

f. State

01880

g. Zip Code

781-245-2500

h. Phone Number

781-245-6677

i. Fax Number

rkirby@lecenvironmental.com

j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

\$110.00

a. Total Fee Paid

\$42.50

b. State Fee Paid

\$67.50

c. City/Town Fee Paid



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands

**WPA Form 3 – Notice of Intent**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40  
Town of Arlington Wetlands Protection Bylaw (Article 8)

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Arlington

City/Town

**A. General Information (continued)**

6. General Project Description:

The Applicant proposes to construct two rear decks at 12-14 Brooks Avenue in Arlington, Massachusetts. The property and the proposed concrete sono-tube footings are located within Bordering Land Subject to Flooding and the 100-foot Buffer Zone to a Bordering Vegetated Wetland. The Applicant proposes to implement erosion controls to minimize the potential for impacts to the resource areas during construction, provide compensatory flood storage, and reduce impervious area to improve existing site conditions.

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- |                                                                       |                                                           |
|-----------------------------------------------------------------------|-----------------------------------------------------------|
| 1. <input checked="" type="checkbox"/> Single Family Home             | 2. <input type="checkbox"/> Residential Subdivision       |
| 3. <input type="checkbox"/> Commercial/Industrial                     | 4. <input type="checkbox"/> Dock/Pier                     |
| 5. <input type="checkbox"/> Utilities                                 | 6. <input type="checkbox"/> Coastal engineering Structure |
| 7. <input type="checkbox"/> Agriculture (e.g., cranberries, forestry) | 8. <input type="checkbox"/> Transportation                |
| 9. <input type="checkbox"/> Other                                     |                                                           |

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

1. ☐ Yes ☒ No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR 10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

Southern Middlesex

a. County

27935

c. Book

N/A

b. Certificate # (if registered land)

29

d. Page Number

**B. Buffer Zone & Resource Area Impacts (temporary & permanent)**

- ☐ Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- ☒ Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.





**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands

**WPA Form 3 – Notice of Intent**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40  
Town of Arlington Wetlands Protection Bylaw (Article 8)

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Arlington

City/Town

**B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)**

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Bank	1. linear feet	2. linear feet
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet	2. square feet
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet 3. cubic yards dredged	2. square feet

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input checked="" type="checkbox"/> Bordering Land Subject to Flooding	6.3 1. square feet 14.5 3. cubic feet of flood storage lost	262 2. square feet 109.8 4. cubic feet replaced
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet 2. cubic feet of flood storage lost	3. cubic feet replaced
f. <input type="checkbox"/> Riverfront Area	1. Name of Waterway (if available) - <b>specify coastal or inland</b>	

2. Width of Riverfront Area (check one):

- ☐ 25 ft. - Designated Densely Developed Areas only
- ☐ 100 ft. - New agricultural projects only
- ☐ 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: \_\_\_\_\_ square feet

4. Proposed alteration of the Riverfront Area:

a. total square feet \_\_\_\_\_ b. square feet within 100 ft. \_\_\_\_\_ c. square feet between 100 ft. and 200 ft. \_\_\_\_\_

5. Has an alternatives analysis been done and is it attached to this NOI? ☐ Yes ☐ No

6. Was the lot where the activity is proposed created prior to August 1, 1996? ☐ Yes ☐ No

3. ☐ Coastal Resource Areas: (See 310 CMR 10.25-10.35)

**Note:** for coastal riverfront areas, please complete **Section B.2.f.** above.



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands

# **WPA Form 3 – Notice of Intent**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40  
Town of Arlington Wetlands Protection Bylaw (Article 8)

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Arlington

City/Town

## **B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)**

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users:  
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	1. square feet	
	2. cubic yards dredged	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	1. square feet	2. cubic yards beach nourishment
e. <input type="checkbox"/> Coastal Dunes	1. square feet	2. cubic yards dune nourishment
	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input type="checkbox"/> Coastal Banks	1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	1. square feet	
h. <input type="checkbox"/> Salt Marshes	1. square feet	2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	1. square feet	
	2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	1. square feet	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	
	1. cubic yards dredged	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	1. square feet	
4. <input type="checkbox"/> Restoration/Enhancement		
If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.		
a. square feet of BVW	b. square feet of Salt Marsh	
5. <input type="checkbox"/> Project Involves Stream Crossings		
a. number of new stream crossings	b. number of replacement stream crossings	



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands

## WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40  
Town of Arlington Wetlands Protection Bylaw (Article 8)

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Arlington

City/Town

### C. Other Applicable Standards and Requirements

- ☐ This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Limited Project Checklists – Required Actions (310 CMR 10.11).

### Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to [http://maps.massgis.state.ma.us/PRI\\_EST\\_HAB/viewer.htm](http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm).

- a. ☐ Yes ☒ No **If yes, include proof of mailing or hand delivery of NOI to:**

**Natural Heritage and Endangered Species Program**  
**Division of Fisheries and Wildlife**  
**1 Rabbit Hill Road**  
**Westborough, MA 01581**

2021

b. Date of map

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); *OR* complete Section C.2.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

- c. Submit Supplemental Information for Endangered Species Review\*

1. ☐ Percentage/acreage of property to be altered:
  - (a) within wetland Resource Area \_\_\_\_\_ percentage/acreage
  - (b) outside Resource Area \_\_\_\_\_ percentage/acreage
2. ☐ Assessor's Map or right-of-way plan of site
2. ☐ Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work \*\*
  - (a) ☐ Project description (including description of impacts outside of wetland resource area & buffer zone)
  - (b) ☐ Photographs representative of the site

\* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <https://www.mass.gov/ma-endangered-species-act-mesa-regulatory-review>).

Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

\*\* MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands

# **WPA Form 3 – Notice of Intent**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40  
Town of Arlington Wetlands Protection Bylaw (Article 8)

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Arlington

City/Town

## **C. Other Applicable Standards and Requirements (cont'd)**

- (c) ☐ MESA filing fee (fee information available at <https://www.mass.gov/how-to/how-to-file-for-a-mesa-project-review>).

Make check payable to "Commonwealth of Massachusetts - NHESP" and **mail to NHESP** at above address

*Projects altering 10 or more acres of land, also submit:*

- (d) ☐ Vegetation cover type map of site

- (e) ☐ Project plans showing Priority & Estimated Habitat boundaries

- (f) OR Check One of the Following

1. ☐ Project is exempt from MESA review.  
Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, <https://www.mass.gov/service-details/exemptions-from-review-for-projectsactivities-in-priority-habitat>; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)

2. ☐ Separate MESA review ongoing.

a. NHESP Tracking #

b. Date submitted to NHESP

3. ☐ Separate MESA review completed.

Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.

3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?

- a. ☒ Not applicable – project is in inland resource area only      b. ☐ Yes    ☐ No

If yes, include proof of mailing, hand delivery, or electronic delivery of NOI to either:

South Shore - Cohasset to Rhode Island border, and the Cape & Islands:

North Shore - Hull to New Hampshire border:

Division of Marine Fisheries -  
Southeast Marine Fisheries Station  
Attn: Environmental Reviewer  
836 South Rodney French Blvd.  
New Bedford, MA 02744

Email: [dmf.envreview-south@mass.gov](mailto:dmf.envreview-south@mass.gov)

Division of Marine Fisheries -  
North Shore Office  
Attn: Environmental Reviewer  
30 Emerson Avenue  
Gloucester, MA 01930

Email: [dmf.envreview-north@mass.gov](mailto:dmf.envreview-north@mass.gov)

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional Office.

- c. ☐ Is this an aquaculture project?

- d. ☐ Yes    ☒ No

If yes, include a copy of the Division of Marine Fisheries Certification Letter (M.G.L. c. 130, § 57).



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands

## WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40  
Town of Arlington Wetlands Protection Bylaw (Article 8)

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Arlington

City/Town

### C. Other Applicable Standards and Requirements (cont'd)

**Online Users:**

Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?  
 a. ☐ Yes ☒ No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.  
 b. ACEC
5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?  
 a. ☐ Yes ☒ No
6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?  
 a. ☐ Yes ☒ No
7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?  
 a. ☐ Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:
  1. ☐ Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
  2. ☐ A portion of the site constitutes redevelopment
  3. ☐ Proprietary BMPs are included in the Stormwater Management System.
- b. ☒ No. Check why the project is exempt:
  1. ☒ Single-family house
  2. ☐ Emergency road repair
  3. ☐ Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

### D. Additional Information

- ☐ This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

**Online Users:** Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1. ☒ USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2. ☒ Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands

**WPA Form 3 – Notice of Intent**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40  
Town of Arlington Wetlands Protection Bylaw (Article 8)

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Arlington

City/Town

**D. Additional Information (cont'd)**

3. ☒ Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.

4. ☒ List the titles and dates for all plans and other materials submitted with this NOI.

Conservation Plan in Arlington, MA

a. Plan Title

Rober Survey

Cliff Rober, PLS

b. Prepared By

c. Signed and Stamped by

June 8, 2021

1" = 10'

d. Final Revision Date

e. Scale

N/A

f. Additional Plan or Document Title

g. Date

5. ☐ If there is more than one property owner, please attach a list of these property owners not listed on this form.
6. ☐ Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.
7. ☐ Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.
8. ☒ Attach NOI Wetland Fee Transmittal Form
9. ☐ Attach Stormwater Report, if needed.

**E. Fees**

1. ☐ Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

1387

2. Municipal Check Number

8/16/2021

3. Check date

1386

4. State Check Number

8/16/2021

5. Check date

Dominic R. Camelio, Jr.

Kellie A. Pini

6. Payor name on check: First Name

7. Payor name on check: Last Name



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands

Provided by MassDEP:

**WPA Form 3 – Notice of Intent**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40  
*Arlington Regulations for Wetlands Protection (March 1, 2018)*

MassDEP File Number

Document Transaction Number

Arlington

City/Town

**F. Signatures and Submittal Requirements**

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

1. Signature of Applicant

2. Date

3. Signature of Agent (if different)

4. Date

5. Signature of Agent (if any)

8/11/2021

6. Date

**For Conservation Commission:**

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

**For MassDEP:**

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a **copy** of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

**Other:**

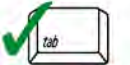
If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**NOI Wetland Fee Transmittal Form**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40  
Town of Arlington Wetlands Protection Bylaw (Article 8)

**Important:** When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



## A. Applicant Information

### 1. Location of Project:

12-14 Brooks Avenue

a. Street Address

1386

c. Check number

Arlington

b. City/Town

\$42.50

d. Fee amount

### 2. Applicant Mailing Address:

Kellie

a. First Name

N/A

c. Organization

12 Brooks Avenue

d. Mailing Address

Arlington

e. City/Town

MA

f. State

02474

g. Zip Code

781-820-9180

h. Phone Number

N/A

i. Fax Number

kapc@verizon.net

j. Email Address

### 3. Property Owner (if different):

Same as Applicant

a. First Name

b. Last Name

c. Organization

d. Mailing Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email Address

## B. Fees

Fee should be calculated using the following process & worksheet. **Please see Instructions before filling out worksheet.**

**Step 1/Type of Activity:** Describe each type of activity that will occur in wetland resource area and buffer zone.

**Step 2/Number of Activities:** Identify the number of each type of activity.

**Step 3/Individual Activity Fee:** Identify each activity fee from the six project categories listed in the instructions.

**Step 4/Subtotal Activity Fee:** Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

**Step 5/Total Project Fee:** Determine the total project fee by adding the subtotal amounts from Step 4.

**Step 6/Fee Payments:** To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).





**Massachusetts Department of Environmental Protection**

Bureau of Resource Protection - Wetlands

# NOI Wetland Fee Transmittal Form

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

## Town of Arlington Wetlands Protection Bylaw (Article 8)

### B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
1a.) work associated with a single-family dwelling	1	\$110.00	\$110.00
Step 5/Total Project Fee:			\$110.00

### Step 6/Fee Payments:

Total Project Fee:	<u>\$110.00</u>
	a. Total Fee from Step 5
State share of filing Fee:	<u>\$42.50</u>
	b. 1/2 Total Fee <b>less</b> \$12.50
City/Town share of filling Fee:	<u>\$67.50</u>
	c. 1/2 Total Fee <b>plus</b> \$12.50

### C. Submittal Requirements

- a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection  
Box 4062  
Boston, MA 02211

- b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and the city/town fee payment.

**To MassDEP Regional Office** (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and a **copy** of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)

## Bylaw Filing Fees and Transmittal Form

### Rules:

1. Fees are payable at the time of filing the application and are non-refundable.
2. Fees shall be calculated per schedule below.
3. Town, County, State, and Federal Projects are exempt from fees.
4. These fees are in addition to the fees paid under M.G.L. Ch. 131, s.40 (ACT).

### Fee Schedule (ACC approved 1/8/15):

\$	No./Area	Category
		<b>(R1) RDA</b> - \$150 local fee, no state fee
\$200.00	1	<b>(N1) Minor Project</b> - \$200 (house addition, tennis court, swimming pool, utility work, work in/on/or affecting any body of water, wetland or floodplain).
		<b>(N2) Single Family Dwelling</b> - \$600
		<b>(N3) Multiple Dwelling Structures</b> - \$600 + \$100 per unit all or part of which lies within 100 feet of wetlands or within land subject to flooding.
		<b>(N4) Commercial, Industrial, and Institutional Projects</b> - \$800 + 50¢/s.f. wetland disturbed; 2¢/s.f. land subject to flooding or buffer zone disturbed.
		<b>(N5) Subdivisions</b> - \$600 + \$4/l.f. feet of roadway sideline within 100 ft. of wetlands or within land subject to flooding.
		<b>(N6) Other Fees</b> - copies, printouts; per public records law
		<b>(N7) Minor Project Change</b> - \$50
		<b>(N8) Work on Docks, Piers, Revetments, Dikes, etc</b> - \$4 per linear foot
		<b>(N9) Resource Boundary Delineation (ANRAD)</b> - \$1 per linear foot
		<b>(N10) Certificate of Compliance (COC or PCOC)</b> - No charge if before expiration of Order, \$200 if after that date.
		<b>(N11) Amendments</b> - \$300 or 50% of original local filing fee, whichever is less.
		<b>(N12) Extensions</b> -
		<b>a. Single family dwelling or minor project</b> - \$100.
		<b>b. Other</b> - \$150.
		<b>(N13) Consultant Fee</b> -per estimate from consultant
\$200.00	<b>TOTAL</b>	

**Note:** Submit this form along with the forms submitted for the ACT - the "Wetlands Filing Fee Calculations Worksheet," and the "Notice of Intent Fee Transmittal Form."

### Legal Notice Charge Authorization


DATE:

TO: [legals@wickedlocal.com](mailto:legals@wickedlocal.com)

I hereby authorize Community Newspapers to bill me directly for the legal notice to be published in the Arlington Advocate newspaper on \_\_\_\_\_ for a public hearing with the Arlington Conservation Commission to review a project at the following location:

12-14 Brooks Avenue, Arlington

Thank you.

Signed: 

Send bill to:

Kellie Pini (Address)

12 Brooks Ave

Arlington, MA

02474 (Phone)

(C) 781-820-9180

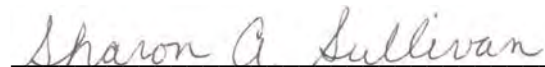
## AFFIDAVIT OF SERVICE

Under the  
*Massachusetts Wetlands Protection Act* (M.G.L. c. 131, s. 40),  
its implementing *Regulations* (310 CMR 10.00),  
and the  
the *Town of Arlington Wetlands Protection Bylaw*

I, Sharon A. Sullivan, on behalf of Kellie Pini, hereby certify under the pains and penalties of perjury that on September 9, 2021 I gave notification to abutters in compliance with the *Massachusetts Wetlands Protection Act* (M.G.L. c. 131, s. 40), its implementing *Regulations* (310 CMR 10.00), and the *Town of Arlington Wetlands Protection Bylaw* in connection with the following matter:

A Notice of Intent Application filed under the *Massachusetts Wetlands Protection Act* and the *Town of Arlington Wetlands Protection Bylaw* by LEC Environmental Consultants, Inc. on behalf of the Applicant, Kellie Pini, with the Town of Arlington Conservation Commission on September 9, 2021 for property located at 12-14 Brooks Avenue (Assessor's Parcel ID: 4-1-9) in Arlington, Massachusetts.

The form of notification, and a list of the abutters to whom it was given and their addresses, are attached to this Affidavit of Service.

  
\_\_\_\_\_  
Sharon A. Sullivan  
Permitting Technician

9/9/2021  
Date

September 9, 2021

## CERTIFIED MAIL

«Name»

«Name2»

«Address»

«City», «State» «Zip»

**Re: Notice of Intent Application**  
**12-14 Brooks Avenue**  
**Assessor's Parcel ID: 4-1-9**  
**Arlington, Massachusetts**

[LEC File #: PiniK\21-329.02]

Dear Abutter:

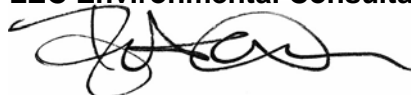
On behalf of the Applicant, Kellie Pini, LEC Environmental Consultants, Inc. (LEC) has filed a Notice of Intent Application with the Arlington Conservation Commission to construct two rear decks at 12-14 Brooks Avenue in Arlington, Massachusetts. The property and the proposed decks are located within Bordering Land Subject to Flooding (BLSF) and the 100-foot Buffer Zone to Bordering Vegetated Wetland (BVW), jurisdictional under the *Massachusetts Wetlands Protection Act* (the *Act*, M.G.L. c. 131, s. 40) and its implementing *Regulations* (the *Act Regulations*, 310 CMR 10.00), and the *Town of Arlington Wetlands Protection Bylaw* (Article 8, the *Bylaw*) and its *Regulations Pursuant to the Town of Arlington Regulations for Wetlands Protection* (the *Bylaw Regulations*).. The Applicant proposes to implement erosion controls to minimize the potential for impacts to the resource areas during construction, provide compensatory flood storage, and reduce impervious area to improve existing site conditions.

The Notice of Intent Application and accompanying plans are available for review by contacting the Arlington Conservation Commission. The remote Public Hearing will be held on September 23, 2021 beginning at 7:30 p.m., in accordance with the provisions of the *Act*, *Regulations*, *Bylaw*, and *Bylaw Regulations*. Further information regarding this application will be published at least five (5) days in advance in *The Arlington Advocate*. Notice of the Public Hearing will also be posted at the Arlington Town Hall at least 48 hours in advance. Please check the Town's website and the Board/Committee's page for any updated information on the meeting.

Please do not hesitate to review the materials and/or attend the public hearing should you have questions or concerns about the proposed project.

Sincerely,

**LEC Environmental Consultants, Inc.**



Richard A. Kirby  
 Senior Wetland Scientist

LEC Environmental Consultants, Inc.

[www.lecenvironmental.com](http://www.lecenvironmental.com)

12 Resnik Road  
 Suite 1  
 Plymouth, MA 02360  
 508.746.9491

380 Lowell Street  
 Suite 101  
 Wakefield, MA 01880  
 781.245.2500

100 Grove Street  
 Suite 302  
 Worcester, MA 01605  
 508.753.3077

P.O. Box 590  
 Rindge, NH 03461  
 603.899.6726

680 Warren Avenue  
 Suite 3  
 East Providence, RI 02914  
 401.685.3109 463 of 573

PLYMOUTH, MA

WAKEFIELD, MA

WORCESTER, MA

RINDGE, NH

EAST PROVIDENCE, RI

**Notification to Abutters Under the**  
*Massachusetts Wetlands Protection Act*  
and the  
*Town of Arlington Wetlands Protection Bylaw*

In accordance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40 and the Town of Arlington Wetlands Protection Bylaw, you are hereby notified of the following:

- A. The name of the Applicant is Kellie Pini, 12 Brooks Avenue, Arlington, Massachusetts.
- B. The Applicant has filed a Notice of Intent Application with the Conservation Commission for the municipality of Arlington, Massachusetts seeking permission to remove, fill, dredge or alter an Area Subject to Protection under Wetlands Protection Act (General Laws Chapter 131, Section 40) and the Town of Arlington Wetlands Protection Bylaw.
- C. The activity is proposed on a lot located at 12-14 Brooks Avenue (Assessor's Parcel ID: 4-1-9), Arlington, Massachusetts.
- D. Copies of the Notice of Intent Application may be examined by contacting the Arlington Conservation Commission at (781) 316-3012.

For more information, call: LEC Environmental Consultants, Inc. (the Applicant's representative) at (781) 245-2500.

- E. Copies of the Notice of Intent Application may be obtained from LEC Environmental Consultants, Inc. (the applicant's representative) by calling (781) 245-2500 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. A fee may be charged for each copy requested.
- F. Information regarding the public hearing may be obtained from the Arlington Conservation Commission (the regulatory agency) by calling (781) 316-3012.

NOTE: Notice of the Public Hearing, including its date, time, and place, will be published at least five (5) days in advance in The Arlington Advocate.

NOTE: Notice of the public hearing will also be posted at the Arlington Town Hall not less than 48 hours in advance.

NOTE: You also may contact the nearest Department of Environmental Protection Regional Office for more information about this application or the Wetlands Protection Act. To contact DEP, call:

**Northeast Region: 978-694-3200**



Office of the  
Board of Assessors  
Robbins Memorial Town Hall  
Arlington, MA 02476  
(781) 316-3050  
Assessors@town.arlington.ma.us

**Abutters List**

Date: August 02, 2021

Subject Property Address: 12-14 BROOKS AVE Arlington, MA  
Subject Property ID: 4-1-9

Search Distance: 100 Feet  
CONSERVATION

The Board of Assessors certifies the names and addresses of requested parties in interest, all abutters within 100 feet of the property lines, of subject property.

A handwritten signature in cursive script, appearing to read "Robert E. Greeley". The signature is written over a horizontal line.

**Board of Assessors**

**Abutters List**

Date: August 02, 2021

Subject Property Address: 12-14 BROOKS AVE Arlington,  
MA  
Subject Property ID: 4-1-9

Search Distance: 100 Feet  
Conservation

-----  
Prop ID: 14.A-1-84  
Prop Location: 84 MARGARET ST UNIT 84 Arlington, MA  
Owner: SYED ADNAN K  
Co-Owner: CREMERS CLAUDIA M  
Mailing Address:  
84 MARGARET ST  
ARLINGTON, MA 02474  
-----

Prop ID: 14.A-1-86  
Prop Location: 86 MARGARET ST UNIT 86 Arlington, MA  
Owner: HOULE MICHAEL S  
Co-Owner:  
Mailing Address:  
86 MARGARET ST UNIT 86  
ARLINGTON, MA 02474  
-----

Prop ID: 4-1-10  
Prop Location: 8-10 BROOKS AVE Arlington, MA  
Owner: KELLER SABINE  
Co-Owner: WARD DAVID J  
Mailing Address:  
115 SAINT ROSE ST  
JAMAICA PLAIN, MA 02130  
-----

Prop ID: 4-1-11  
Prop Location: 0-LOT BROOKS AVE Arlington, MA  
Owner: TOWN OF ARLINGTON TAX POSS  
Co-Owner:  
Mailing Address:  
730 MASS AVE  
ARLINGTON, MA 02476  
-----

Prop ID: 4-1-6  
Prop Location: 26-28 BROOKS AVE Arlington, MA  
Owner: MARINELLI PAUL  
Co-Owner:  
Mailing Address:  
26 BROOKS AVENUE  
ARLINGTON, MA 02474  
-----

Prop ID: 4-1-8  
Prop Location: 16-18 BROOKS AVE Arlington, MA  
Owner: SHEA JEFFREY & VALERIE  
Co-Owner:  
Mailing Address:  
184 JASON ST  
ARLINGTON, MA 02474  
-----

-----  
**Prop ID: 4-1-9**

**Prop Location: 12-14 BROOKS AVE Arlington, MA**  
**Owner: CAMELIO DOMINIC R JR**  
**Co-Owner: PINI KELLIE A**  
**Mailing Address:**  
**12 BROOKS AVE**  
**ARLINGTON, MA 02474**  
-----

Prop ID: 4-4-1  
Prop Location: 118-120 MILTON ST Arlington, MA  
Owner: MCAULIFFE KATHLEEN A  
Co-Owner: MCAULIFFE STEPHEN  
Mailing Address:  
118 MILTON STREET  
ARLINGTON, MA 02474  
-----

Prop ID: 4-4-2  
Prop Location: 114-116 MILTON ST Arlington, MA  
Owner: SPEROS ELAINE  
Co-Owner: SPEROS PETER  
Mailing Address:  
53 OAKLEY RD  
BELMONT, MA 02478  
-----

Prop ID: 4-4-20  
Prop Location: 121-123 VARNUM ST Arlington, MA  
Owner: SOUSA NELSON & DAVID/TRS  
Co-Owner: VARNUM STREET REALTY TRUST  
Mailing Address:  
121 VARNUM ST  
ARLINGTON, MA 02474  
-----

Prop ID: 4.A-4-117  
Prop Location: 117-119 VARNUM ST UNIT 117 Arlington,  
MA  
Owner: TASSONE CHRISTOPHER RALPH  
Co-Owner:  
Mailing Address:  
55 RIVER ST APT 1  
CAMBRIDGE, MA 02139  
-----

Prop ID: 4.A-4-119  
Prop Location: 117-119 VARNUM ST UNIT 119 Arlington,  
MA  
Owner: BIRD RICHARD CRANSON JR  
Co-Owner:  
Mailing Address:  
168 PINE ST  
MEDFIELD, MA 02052  
-----







## Notice of Intent Application

12-14 Brooks Avenue  
Assessor's Parcel ID: 4-1-9  
Arlington, Massachusetts

September 9, 2021

---

## 1. Introduction

On behalf of the Applicant and Property Owner, Kelli Pini, LEC Environmental Consultants, Inc., (LEC) is filing the enclosed Notice of Intent (NOI) Application with the Arlington Conservation Commission under the *Massachusetts Wetlands Protection Act* (M.G.L. c. 131, s. 40, the *Act*), its implementing Regulations (310 CMR 10.00, the *Act Regulations*), the *Town of Arlington Wetlands Protection Bylaw* (Article 8, the *Bylaw*), and its implementing *Wetlands Protection Regulations* (March 1, 2018, the *Bylaw Regulations*). The Applicant is filing this NOI Application to construct two rear decks within Bordering Land Subject to Flooding (BLSF) and the 100-foot Buffer Zone to Bordering Vegetated Wetland (BVW).

As part of this filing, the Applicant proposes to implement mitigation measures, including erosion controls, compensatory flood storage, and a reduction of impervious area. The existing conditions and proposed activities are depicted on the *Conservation Plan in Arlington, MA*, dated June 8, 2021, and prepared by Rober Survey (Appendix B).

## 2. General Site Description



Photo 1. Westerly view of 12-14 Brooks Avenue in Arlington, MA.

The 5,073 ± square foot property is located in a densely developed, residential neighborhood north of the Concord Turnpike (Route 2), northwest of Alewife Brook Parkway, and southwest of Massachusetts Avenue (Route 3), within the southeastern portion of Arlington, Massachusetts. More specifically, the property is located east of the Minuteman Commuter Bikeway, south of Milton Street, north of Varnum Street, and west of Brooks Avenue. Residential development associated with Brooks Avenue, Milton Street, and Varnum Street are located north, south, and west of the property.

Fringing forested land along the Minuteman Commuter Bikeway is located west of the property.





Photo 2. Southerly view of the rear façade of the dwelling, including the existing patios.



Photo 3. A northwesterly view of the backyard of the dwelling, including the two sheds and raised planter.

The property contains a 2.5 story, two-family dwelling with a paved driveway extending west from Brooks Avenue south of the dwelling. A wooden landing and stairs provide access to the front (east) entrance of the dwelling from Brooks Avenue. Two (2) wooden landings and stairs are located off the rear of the dwelling and provide access to concrete and marble patios within the backyard. The dwelling and associated appurtenances are surrounded by lawn and landscape plants including hydrangea (*Hydrangea* sp.), rose (*Rosa* sp.), hosta (*Hosta* sp.), and meadowsweet (*Spiraea* sp.). Two adjoining wooden sheds are located in the northwest corner of the backyard. A 160± square foot raised garden planter is located east of the sheds, along the northern property boundary. A 6-foot-high vinyl fence occurs along the rear (west) property boundary, and a 4-foot-high vinyl fence occurs along the northern and eastern property boundaries. A metal chain link fence occurs along the southern property boundary. Topography

generally descends westerly from Brooks Avenue toward the backyard, with an elevation grade of roughly 1 foot.

A fringing forested upland and Bordering Vegetated Wetland (BVW) are located to the rear (west) of the property. An abrupt slope descends from the property boundary toward the forested BVW. Vegetation along the forested upland slope includes a sparse canopy of Norway maple (*Acer platanoides*), northern red oak (*Quercus rubra*), and black cherry (*Prunus serotina*). The understory includes individual saplings from the canopy, mulberry (*Morus* sp.), sapling box elder (*Acer negundo*), and entanglements of grape

(*Vitis* sp.) and oriental bittersweet (*Celastrus orbiculatus*). The groundcover is dominated by Virginia creeper (*Parthenocissus quinquefolia*).

Utilizing a hand-held, Dutch-style soil auger, LEC inspected soil conditions within the fringing forested upland, and observed a >12-inch thick, loamy sand fill layer (C Horizon) with a soil matrix color of 2.5Y 2/2, underlain by native wetland soils (described below). This soil profile is not considered hydric according to the *Field Indicators for Identifying Hydric Soils in New England* (Version 4, April 2019, the *Field Indicators Guide*).

2.1

### **Natural Heritage and Endangered Species Program Designation**

According to the 15<sup>th</sup> Edition of the *Massachusetts Natural Heritage Atlas* (effective August 1, 2021) published by the Natural Heritage & Endangered Species Program (NHESP), no areas of Estimated Habitats of Rare Wildlife or Priority Habitat of Rare Species, or Potential or Certified Vernal Pools exist on the site (Appendix A, Figure 3).

3.

## **Wetland Resource Areas**

LEC conducted a site evaluation on July 26, 2021 to identify and characterize existing protectable Wetland Resource Areas located on or immediately adjacent to the site, and to delineate the BVW boundary. The extent of Wetland Resource Areas was determined through observations of existing plant communities and hydrologic indicators in accordance with the *Act*, its implementing *Regulations*, the *Bylaw*, and its *Regulations*.

Based on these methods and review of pertinent maps, LEC determined that a BVW occurs offsite to the west of the property, and that the entire property is located within Bordering Land Subject to Flooding (BLSF). The BVW places the 100-foot Buffer Zone onto the subject property.

3.1

### **Bordering Vegetated Wetlands**

BVW is defined at 310 CMR 10.55(2) as: *freshwater wetlands which border on creeks, rivers, streams, ponds, and lakes...Bordering Vegetated Wetlands are areas where the soils are saturated and/or inundated such that they support a predominance of wetland indicator plants...The boundary of Bordering Vegetated Wetlands is the line within which 50% or more of the vegetational community consists of wetland indicator plants and saturated or inundated conditions exist.*



“Vegetated Wetlands” are defined in the *Bylaw Regulations* [Section 21(B)] as *freshwater wetlands, including both bordering vegetated wetlands (i.e., on freshwater bodies such as on creeks, rivers, streams, ponds and lakes), and isolated vegetated wetlands which do not border on any permanent water body. The types of freshwater wetlands are wet meadows, marshes, swamps, bogs and vernal pools. Vegetated Wetlands are areas where soils are saturated and/or inundated such that they support a predominance of wetland indicator plants. The ground water and surface water hydrological regime, soils and the vegetational community which occur in each type of freshwater wetlands, including both bordering and isolated vegetated wetlands, are defined under the Bylaw based on G.L. c. 131, § 40. (2) The boundary of Vegetated Wetland, whether Bordering or Isolated, is the line within which 50% or more of the vegetational community consists of wetland indicator plants and saturated or inundated conditions exist. Wetland indicator plants shall include but not necessarily be limited to those plant species identified in the Act. A forested wetland occurs along the southern property boundary within a low-lying depression. Surface water flows westerly within a shallow channel toward a shallow depression in the western portion of the wetland containing several inches of standing water.*



Photo 4. A southerly view of the forested BVW to the rear of the dwelling.

An offsite forested BVW contained within a linear depression occurs to the west of the property, along the Minuteman Commuter Bikeway. Vegetation within the forested wetland includes a canopy of red maple, box elder (*Acer negundo*), ash (*Fraxinus* sp.), and Norway maple (*Acer platanoides*). The understory is sparse and contains saplings from the canopy, entanglements of oriental bittersweet, and grape (*Vitis* sp.). The groundcover includes patches of Virginia creeper (*Parthenocissus quinquefolia*), and individuals of jewelweed (*Impatiens capensis*).

Utilizing a hand-held, Dutch-style soil auger, LEC inspected soil conditions within the forested BVW, and observed a 17-inch thick, loamy sand fill layer (C Horizon) with a soil matrix color of 2.5Y 2/1. The topsoil is underlain by a buried, sapric organic layer

(O<sub>a</sub> layer). This soil profile meets the Dark Surface (S7.) indicator for a hydric soil according to *Field Indicators Guide*.

3.2

### **Bordering Land Subject to Flooding**

According to 310 CMR 10.57 (2) (a) 1, *Bordering Land Subject to Flooding (BLSF)* is an area with low, flat topography adjacent to and inundated by flood waters rising from creeks, rivers, streams, ponds or lakes. It extends from the banks of these waterways and water bodies; where a bordering vegetated wetland occurs, it extends from said wetland.

According to the Section 4 B. (38) of the *Bylaw Regulations*, “land subject to flooding or inundation” shall mean the land within the estimated maximum lateral extent of flood water which will theoretically result from the statistical 100-year frequency storm; said boundary shall be that determined by reference to the most recently available flood profile data prepared for Arlington within which the work is proposed under the National Flood Insurance Program “(NFIP)” ...

According to the June 4, 2010 *Federal Emergency Management Agency Flood Insurance Rate Map* for Middlesex County, Massachusetts (Map No: 25017C0419E), the entire property is located within Zone AE: – *Special Flood Hazard Areas (SFHAs) subject to Inundation by the 1% Annual chance Flood; Base Flood Elevations determined* (Appendix A, Figure 2). According to the FEMA FIRM, the Zone AE occurs at the Elevation 7 contour (Datum: NAVD 88). According to the FEMA FIRM Profile Data, *Plan*, Zone AE at this site occurs at Elevation 6.8 (Datum NAVD 88) as depicted on the *Plan*. Since the site occurs at or below Elevation 5, the entire property is jurisdictional as BLSF.

4.

### **Proposed Construction Activities**

The Applicant proposes to construct two rear decks off the existing dwelling. A 10-foot by 14-foot deck with stairs will be constructed off the first story of the dwelling, and a 17-foot by 17-foot deck will be constructed off the second story of the dwelling. The decks will be anchored to the dwelling and supported by 6-inch posts on top of 12-inch diameter sono-tube footings. Three (3) posts and sono-tube footings will support the first story deck and five (5) posts and sono-tube footings will support the second story deck. The proposed activities are located within BLSF and within the BVW Buffer Zone.

The 12-inch diameter sono-tube footings will protrude from the land surface to elevate the support posts above the floodplain (at elevation 6.8). Accordingly, the sono-tube footings will displace a total of  $16.54\pm$  cubic feet of flood storage. In order to provide  $>2:1$  compensatory flood storage in accordance with the *Bylaw Regulations* and to decrease the amount of impervious area within the 50-foot No Structure Zone, a  $102\pm$  square foot portion of the existing concrete patio will be removed and replaced with six inches of crushed stone. The crushed stone will provide  $17\pm$  cubic feet of compensatory flood storage. Further compensatory flood storage will be provided by removing the  $160\pm$  square foot raised garden planter located along the northern property boundary. The removal of the planter will provide  $92.8\pm$  cubic feet of compensatory flood storage, resulting in a total of  $113.8\pm$  cubic feet of compensatory flood storage for the total amount of floodplain filled. This amount of compensatory flood storage proposed measures 6.88:1, which is greater than the 2:1 ratio required in the *Bylaw Regulations* (Section 23).

Since the land within the property is located below elevation  $5\pm$ , it is not possible to provide compensatory floodplain storage for *each incremental* elevation filled between elevations 5 and 6.8. Instead, the project has been designed to provide compensatory flood storage for the *total* amount of flood storage filled. The compensatory flood storage calculations can be found in the calculations section on the *Plan*.

The proposed decks are located within the *Bylaw's* 50-foot No Structure Zone; however, no new impervious area is proposed, and by removing a portion of the existing concrete patio, the amount of impervious area within the 50-foot No Structure Zone will be reduced by 102 square feet. Furthermore, the proposed decks are not located closer to the BVW than existing impervious area, complying with Section 25 (D) of the *Bylaw Regulations*.

---

## 5. Mitigation Measures

In addition to the  $102\pm$  square-foot decrease in impervious surface, the Applicant intends to implement erosion controls to protect adjacent properties during construction, and provide compensatory flood storage to improve the flood storage capacity on the site. These mitigating measures are intended to meet or exceed the regulatory requirements enumerated in the *Act Regulations* and the *Bylaw Regulations*, and to promote climate resiliency in accordance with the *Bylaw Regulations*. A description of each of these mitigating measures is provided below.



## 5.1 Erosion and Sedimentation Control

The Applicant proposes to implement an erosion control program to protect the offsite BVW and adjacent properties from sedimentation during construction activities. The plan for the control of potential impacts to the adjacent Wetland Resource Areas is based on DEP guidelines and will be comprised of staked compost filter tubes along the Limit-of-Work line. All erosion control measures will remain in place until disturbed areas are stabilized by vegetation. The location of the proposed erosion controls and a detail are shown on the *Site Plans* (Appendix B).

## 5.2 Compensatory Flood Storage

The project has been designed to provide a >2:1 ratio of compensatory flood storage compared to the *total* proposed fill within the floodplain resulting from the sono-tube footings, as provided on the calculations section of the *Plan*. The land within the property is located below elevation 5±, and it is not possible to provide compensatory floodplain storage for *incremental* elevations filled between elevations 5± and 6.8. The sono-tube footings will result in 16.54 cubic feet of fill between elevations 4.5 and 6.8. Compensatory flood storage is proposed that exceeds state and local requirements, including 17 cubic feet of flood storage by removing a portion of the existing concrete patio (and replacing with 6" of crushed stone) and 92.8± cubic feet of flood storage by removing the 160± square foot raised garden planter. This compensatory flood storage totals 113.8± square feet, which results in a roughly 6.88:1 ratio of compensatory flood storage to flood storage lost. Accordingly, the project results in significantly more flood storage compared to existing conditions, and contributes to climate resiliency in accordance with the *Bylaw Regulations*.

## 6. Regulatory Performance Standards

The *Act Regulations* and *Bylaw Regulations* provide specific performance standards for work within Bordering Land Subject to Flooding, and the *Bylaw Regulations* provide additional standards for climate resiliency. Citations of the pertinent performance standards are provided below, along with a description of how the project meets these standards.

6.1

## **Bordering Land Subject to Flooding Performance Standards**

The *Act Regulations* at 310 CMR 10.57 (4) state that *work within BLSF shall conform to the following criteria:*

### **(a) *Bordering Land Subject to Flooding***

- (1) *Compensatory storage shall be provided for all flood storage volume that will be lost as a result of the proposed work.*

The project will result in an increase of flood storage volume compared to existing conditions for the total amount of floodplain filled, between elevations 4.5 and 6.8, as depicted on the Calculations section of the *Plan*.

- (2) *Work within BLSF...shall not restrict flows so as to cause an increase in flood stage or velocity.*

Proposed work in the floodplain will not restrict flows or cause an increase in flood storage.

- (3) *within BLSF shall not impair its capacity to provide important wildlife habitat functions.*

According to the BLSF Preamble at 310 CMR 10.57 (1) (a) 3:

*Certain portions of Bordering Land Subject to Flooding are also likely to be significant to the protection of wildlife habitat. These include all areas on the ten year floodplain or within 100 feet of the bank or bordering vegetated wetland (whichever is further from the water body or waterway, so long as such area is contained within the 100 year floodplain), and all vernal pool habitat on the 100 year floodplain, except for those portions of which have been so extensively altered by human activity that their important wildlife habitat functions have been effectively eliminated (such "altered" areas include paved and graveled areas, golf courses, cemeteries, playgrounds, landfills, fairgrounds, quarries, gravel pits, buildings, lawns, gardens, roadways (including median strips, areas enclosed within highway interchanges, shoulders, and embankments), railroad tracks (including ballast and embankments), and similar areas lawfully existing on November 1, 1987 and maintained as such since that time).*

The portion of land located within BLSF is “altered” and is therefore not significant to the protection of wildlife habitat.

### **(b) *Protection of Rare Wildlife Species***

*(1) Notwithstanding the provisions of 310 CMR 10.57(4)(a) or (b), no project may be permitted which will have any adverse effect on specified wildlife habitat sites of rare vertebrate or invertebrate species.*

There are no specified wildlife habitat sites of rare vertebrate or invertebrate species located on the project site; therefore, the proposed project will have no adverse effect on any such sites.

6.2

### **Bylaw Performance Standards for Work Within the Floodplain**

Section 23 D. of the *Bylaw Regulations* states: *The Commission may permit activity on land subject to flooding provided it shall not result in the following:*

*(1) Flood damage due to filling which causes lateral displacement of water that would otherwise be confined within said area.*

The project has been designed to provide more flood storage than currently exists, with a roughly 6.88:1 ratio of compensatory flood storage to fill compared to existing conditions, and will not result in any increased lateral displacement of water. The land within the property is located below elevation 5±, and it is not possible to provide compensatory floodplain storage for *incremental* elevations filled between elevations 5 and 6.8.

*(2) Adverse effect on public and private water supply or groundwater supply, where said area is underlain by pervious material.*

The project will not result in any increase in pollutants that could otherwise potentially result in an adverse effect on public or private water supply or groundwater supply.

*(3) An adverse effect on the capacity of said area to prevent pollution of the groundwater, where the area is underlain by pervious material which in turn is covered by a mat of organic peat and muck.*

LEC did not observe any such conditions within or near the subject property.

6.3

### **BLSF Climate Resiliency**

The *Bylaw Regulations* (Section 23 D.) also state that *the applicant shall take into consideration the impacts of climate change on the activities proposed on land subject to flooding, especially in terms of the compensatory flood storage as a climate change resilience strategy. Any such activity shall provide compensatory flood storage for all*

*flood storage volume that will be lost at each elevation. Compensatory flood storage shall be at a 2:1 ratio, minimum, for each unit volume of flood storage lost at each elevation.*

As described above in Section 5.3 of this NOI Report, the project has been designed to provide a roughly 6.88:1 ratio of compensatory flood storage compared to flood storage loss, as provided on the Calculations section of the *Plan*. This additional flood storage provides climate resiliency that is commensurate with the scope of the project.

6.4

### **General Climate Resiliency**

The *Bylaw Regulations* (Section 31) state that *B. The Applicant shall, to the extent practicable and applicable as determined solely by the Commission, integrate considerations of adaptation planning into their project to promote climate change resilience so as to protect and promote resource area values into the future. These considerations are especially important in Land Subject to Flooding (floodplain) and Riverfront Area and other Resource Areas which protect the interest of Flood Control and Storm Damage Prevention, including Adjacent Upland Resource Areas. These Resource Areas may be directly impacted by extreme weather events expected to be more prevalent or more intense due to climate change, in surface runoff of pollutants, and in wildlife habitat due to changes in temperature. The Applicant shall consider the project's adaptation to potential climate change impacts by addressing the following:*

*(1) Describe project design considerations to limit storm and flood damage during extended periods of disruption and flooding as might be expected in extreme weather events. See Vegetative Wetlands Section 21, Land Subject to Flooding Section 23, and Adjacent Upland Resource Area Section 25, of these Regulations.*

The Applicant proposes a roughly 6.88:1 ratio of compensatory flood storage to filled floodplain, thereby exceeding the *Act* and *Bylaw* requirements. The project also results in a 102± square-foot reduction in impervious area within the floodplain and the 50-foot No Structure Zone. Accordingly, the project improves the site's climate change resiliency in accordance with the requirements in the *Bylaw Regulations*.

*(2) Describe project stormwater surface runoff, which may increase due to storm surges and extreme weather events, and how this will be managed / mitigated to prevent pollution (including nutrients from fertilizers, roadway runoff, etc.) from entering the resource area with consideration of eliminating impervious surfaces as feasible. See Stormwater Management Section 33 of these Regulations.*

The Applicant proposes to reduce impervious area by 102± square feet by removing a portion of the concrete patio. This effort will reduce the rate of stormwater run-off from the property.

*(3) Describe project vegetation / planting plans and other measures to improve the resiliency of the wildlife habitat of the resource area to withstand potential temperature and rainfall changes (drought and excess) due to climate change. See Vegetation Removal and Replacement Section 24 of these Regulations.*

No vegetation will be removed as a part of this project.

*(4) Describe measures to protect proposed structures and minimize damage to structures due to the impacts of climate change.*

In order to minimize damage to the proposed decks during a statistical 100-year storm event, the sono-tube footings will elevate the support posts above the floodplain. Given that the entire property is located within the floodplain and the sono-tube footings are located within the floodplain, there is little else the Applicant can do to protect the decks and existing structures.

## 7. **Summary**

On behalf of the Applicant and Property Owner, Kellie Pini, LEC is filing the enclosed NOI Application with the Arlington Conservation Commission to build two rear decks to an existing dwelling. The proposed activities will occur within BLSF and the 100-foot Buffer Zone to an offsite BVW, as jurisdictional under the *Act*, its implementing *Regulations*, and the *Bylaw* and *Bylaw Regulations*.

In an effort to mitigate for the proposed activities, the Applicant proposes to implement mitigation measures, including erosion controls to protect the offsite BVW and adjacent properties during construction, compensatory flood storage at a >2:1 ratio (6.88:1) which exceeds the requirements enumerated in the *Act Regulations* and the *Bylaw Regulations*, and an overall reduction of impervious area by 102± square feet. The project, including the proposed mitigating measures, meets or exceeds the performance standards enumerated in the *Act Regulations*, and the *Bylaw Regulations*, and the Applicant requests that the Commission issue an Order of Conditions approving the project as proposed herein.

Arlington Conservation Commission, *Town of Arlington Wetlands Protection Bylaw* (Article 8) Town of Arlington, Massachusetts.

Massachusetts Department of Environmental Protection, Division of Wetlands and Waterways 1995. *Delineating Bordering Vegetated Wetlands Under the Massachusetts Wetlands Protection Act, A Handbook*. 89 pp.

Massachusetts Natural Heritage and Endangered Species Program Atlas of Estimated Habitat of State-listed Rare Wetlands Wildlife, Natural Heritage & Endangered Species Program, Massachusetts Division of Fisheries & Wildlife, Route 135, Westborough, MA 01581, [www.state.ma.us/dfwele/dfw](http://www.state.ma.us/dfwele/dfw)

Massachusetts Wetlands Protection Act (M.G.L. c. 131, §. 40), [www.state.ma.us/dep](http://www.state.ma.us/dep)  
Massachusetts Wetlands Protection Act Regulations (310 CMR 10.00),  
[www.state.ma.us/dep](http://www.state.ma.us/dep)

National Flood Insurance Program, Federal Emergency Management Agency Flood Insurance Rate Map (Map Number 25017C0419E), Middlesex County, June 4, 2010.

New England Hydric Soils Technical Committee. 2019, 4<sup>th</sup> ed., *Field Indicators for Identifying Hydric Soils in New England*, New England Interstate Water Pollution Control Commission, Lowell, MA.

Reed, P.B. 1988. *National List of Plant Species that Occur in Wetlands: 1988 Massachusetts*. U.S. Department of the Interior, Fish and Wildlife Service. NERC-88/18.21

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## Appendix A

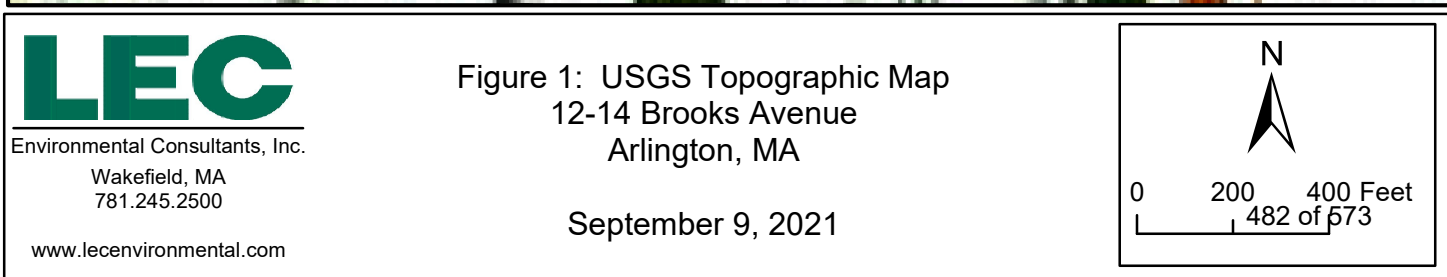
### Locus Maps

Figure 1: USGS Topographic Quadrangle

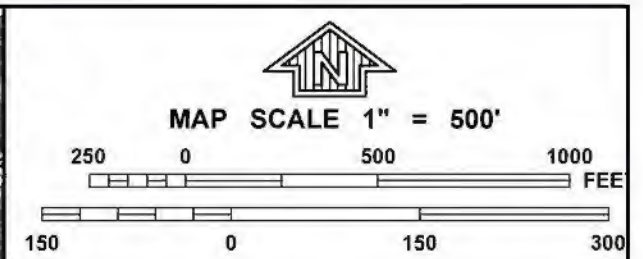
Figure 2: FEMA Flood Insurance Rate Map

Figure 3: MassGIS Orthophoto & NHESP Estimated Habitat Map









**NFIP**  
**NATIONAL FLOOD INSURANCE PROGRAM**

**PANEL 0419E**

**FIRM**

**FLOOD INSURANCE RATE MAP**

**MIDDLESEX COUNTY, MASSACHUSETTS**  
(ALL JURISDICTIONS)

**PANEL 419 OF 656**  
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

**CONTAINS:**

COMMUNITY	NUMBER	PANEL	SUFFIX
ARLINGTON, TOWN OF	250177	0419	E
BELMONT, TOWN OF	250182	0419	E
CAMBRIDGE, CITY OF	250186	0419	E
SOMERVILLE, CITY OF	250214	0419	E
WATERTOWN, TOWN OF	250223	0419	E

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.

**MAP NUMBER**  
**25017C0419E**

**EFFECTIVE DATE**  
**JUNE 4, 2010**

Federal Emergency Management Agency

This is an official FIRMette showing a portion of the above-referenced flood map created from the MSC FIRMette Web tool. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For additional information about how to use the map, please see the Flood Hazard Mapping Updates Overview Fact Sheet available on the FEMA Flood Map Service Center home page at <https://msc.fema.gov>.

Figure 2: FEMA Flood Insurance Rate Map



# LEGEND



## SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD

The 1% annual flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zones A, AE, AH, AO, AR, A99, V, and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.

<b>ZONE A</b>	No Base Flood Elevations determined.
<b>ZONE AE</b>	Base Flood Elevations determined.
<b>ZONE AH</b>	Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined.
<b>ZONE AO</b>	Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.
<b>ZONE AR</b>	Special Flood Hazard Area formerly protected from the 1% annual chance flood by a flood control system that was subsequently decertified. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance or greater flood.
<b>ZONE A99</b>	Area to be protected from 1% annual chance flood by a Federal flood protection system under construction; no Base Flood Elevations determined.
<b>ZONE V</b>	Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.
<b>ZONE VE</b>	Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.

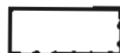


## FLOODWAY AREAS IN ZONE AE

The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.



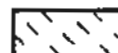
<b>ZONE X</b>	Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.
---------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------



<b>ZONE X</b>	Areas determined to be outside the 0.2% annual chance floodplain.
<b>ZONE D</b>	Areas in which flood hazards are undetermined, but possible.



## COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS



## OTHERWISE PROTECTED AREAS (OPAs)

CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.



1% annual chance floodplain boundary



0.2% annual chance floodplain boundary



Floodway boundary



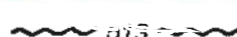
Zone D boundary



CBRS and OPA boundary



Boundary dividing Special Flood Hazard Area Zones and boundary dividing Special Flood Hazard Areas of different Base Flood Elevations, flood depths or flood velocities.



Base Flood Elevation line and value; elevation in feet\*

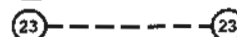
(EL 987)

Base Flood Elevation value where uniform within zone; elevation in feet\*

\* Referenced to the North American Vertical Datum of 1988



Cross section line



Transect line

87°07'45", 32°22'30"

Geographic coordinates referenced to the North American Datum of 1983 (NAD 83), Western Hemisphere

2476000mN

1000-meter Universal Transverse Mercator grid values, zone 19

600000 FT

5000-foot grid values: Massachusetts State Plane coordinate system, Mainland zone (FIPSZONE 2001), Lambert Conformal Conic projection

DX5510 x

Bench mark (see explanation in Notes to Users section of this FIRM panel)

● M1.5

River Mile

## MAP REPOSITORY

Refer to listing of Map Repositories on Map Index

## EFFECTIVE DATE OF COUNTYWIDE FLOOD INSURANCE RATE MAP

June 4, 2010

## EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL





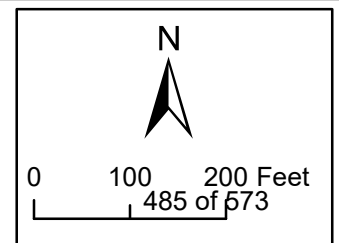
Environmental Consultants, Inc.

Wakefield, MA  
781.245.2500

[www.lecenvironmental.com](http://www.lecenvironmental.com)

Figure 3: MassGIS Orthophoto & NHESP Map  
12-14 Brooks Avenue  
Arlington, MA

September 9, 2021





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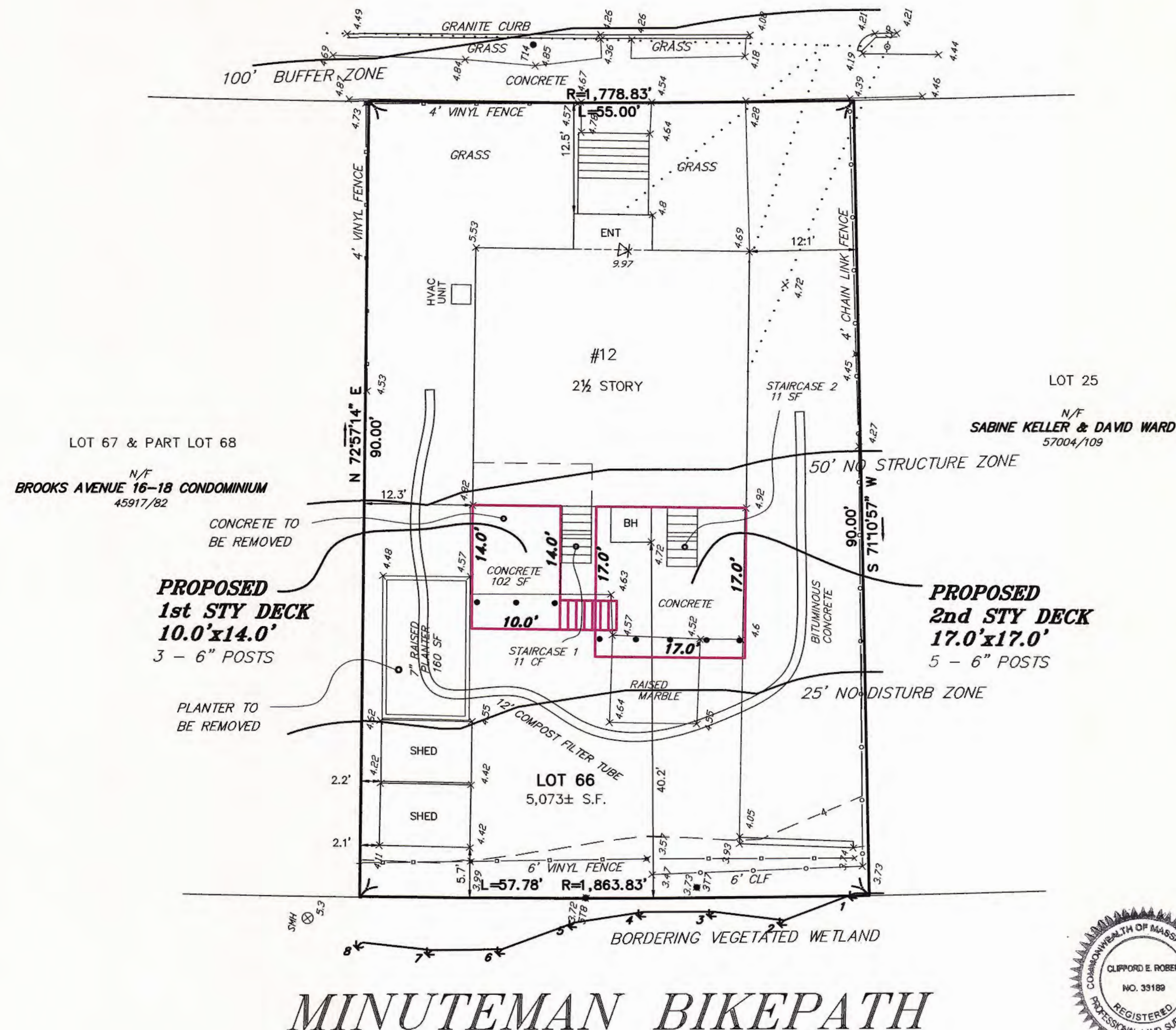
## Appendix B

*Conservation Plan in Arlington, MA* prepared by Rober Survey, dated June 8, 2021



# BROOKS AVENUE

BITUMINOUS CONCRETE



## CALCULATIONS

17.0x17.0 DECK  
5 - 1' DIA (0.79 SF) SONOTUBE  
 $5 \times (0.79 \text{ SF}) \times (6.8 - 4.5)$   
= 9.085 CF

10.0x24.0 DECK  
3 - 1' DIA (0.79 SF) SONOTUBE  
 $3 \times (0.79 \text{ SF}) \times (6.8 - 4.5)$   
= 5.451 CF

ADDITIONAL STAIRCASE 2 CF

TOTAL FLOOD PLAIN  $(9.085 + 5.451 \text{ CF} + 2 \text{ CF}) = 16.54 \text{ CF}$   
TOTAL MITIGATION REQ. =  $16.54 \text{ CF} \times 2 = 33.08 \text{ CF}$

## EXISTING TO BE REMOVED

160 SF 7" RAISED PLANTER  
 $160 \text{ sf} \times 0.58' = 92.8 \text{ CF}$

REMOVE AND REPLACE CONCRETE PAD 102 SF  
WITH 6" CRUSHED STONE (2" VOID RATIO)  
 $(102 \text{ sf} \times .5') / 3 = 17 \text{ CF}$

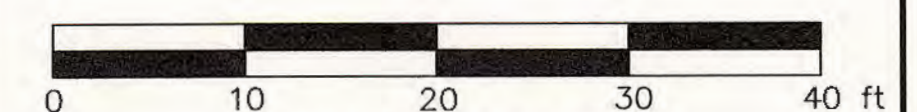
REMOVE STAIRCASE 1 2 CF  
REMOVE STAIRCASE 2 2 CF

TOTAL REMOVED =  $92.8 + 17 + 4 = 113.8 \text{ CF}$

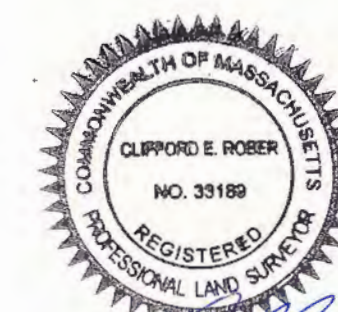
OWNER: DOMINIC CAMELIO, JR. & KELLIE PINI

CONSERVATION PLAN  
IN  
**ARLINGTON, MA**  
(MIDDLESEX COUNTY)

SCALE: 1" = 10' DATE: JUNE 8, 2021



**ROBER SURVEY**  
1072A MASSACHUSETTS AVENUE  
ARLINGTON, MA 02476  
(781) 648-5533  
6503PL1.DWG



*Clifford E. Rober*  
9/8/2021

## NOTES

1. ENTIRE PARCEL IS LOCATED WITHIN FLOOD ZONE AE (EL 6.8).
2. ELEVATIONS BASED ON NAVD 88 DATUM.
3. WETLAND MAPPD BY LEC ENVIRONMENTAL ON 8/18/2021



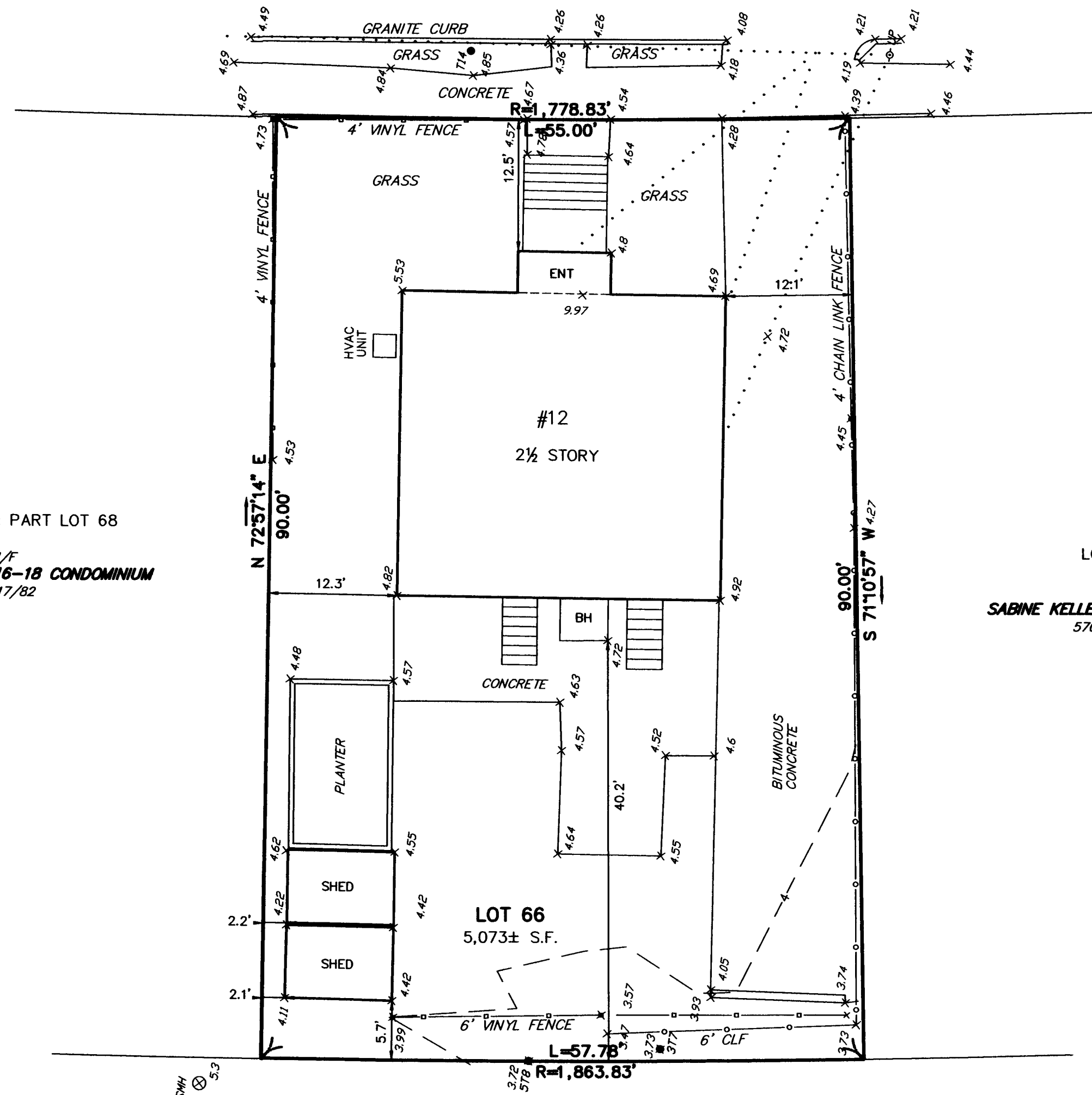
# BROOKS AVENUE

BITUMINOUS CONCRETE

PLAN 1417 OF 2004

LOT 67 & PART LOT 68  
N/F  
BROOKS AVENUE 16-18 CONDOMINIUM  
45917/82

LOT 25  
N/F  
SABINE KELLER & DAVID WARD  
57004/109



# MINUTEMAN BIKEPATH

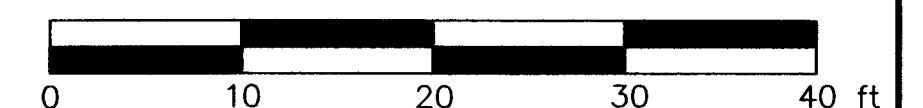
NOTE: ENTIRE PARCEL IS LOCATED WITHIN  
FLOOD ZONE AE (EL 6.8).

NOTE: ELEVATIONS BASED ON NAVD 88 DATUM.

OWNER: DOMINIC CAMELIO, JR. & KELLIE PINI

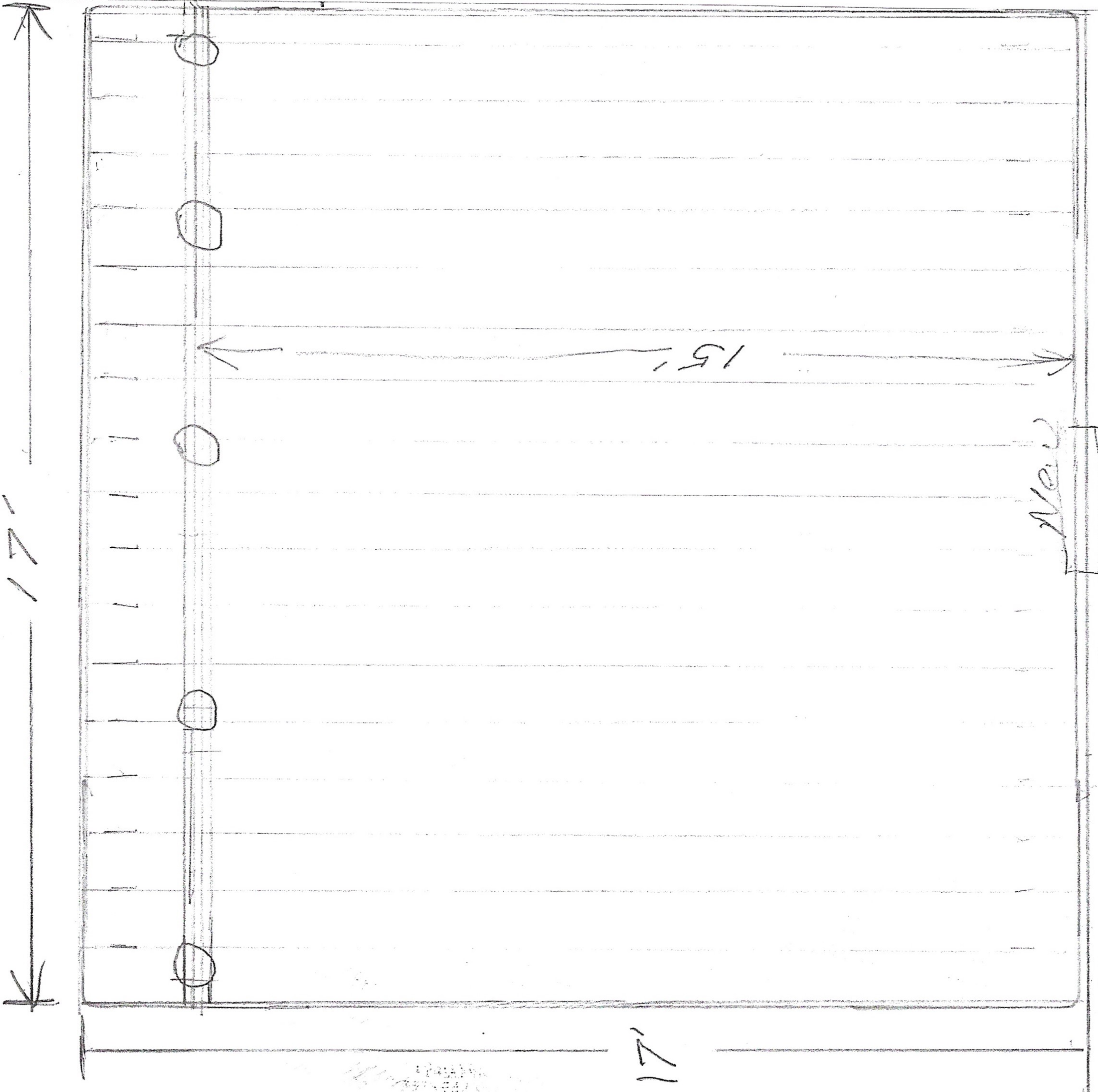
CONSERVATION PLAN  
IN  
ARLINGTON, MA  
(MIDDLESEX COUNTY)

SCALE: 1"= 10' DATE: JUNE 8, 2021



ROBER SURVEY  
1072A MASSACHUSETTS AVENUE  
ARLINGTON, MA 02476  
(781) 648-5533  
6503PL1.DWG





12 Brooks Ave

- Triple 2 x 10" beam bolted w/  
1/2" Galv. 16" oc

- 5 - 6 x 6" PT posts w/Simpson BC

Galv. connections on top and Simpson ABA  
to concrete

- Over 12" concrete piers 4' deep

- Pt 2 x 10" joists 12" oc w/ hangers

- PT 4 x 4" railing posts bolted 1/2"

galv. w/ Simpson deck tension ties

- Ledger board w/ 5" ledger lock lags 12" oc

- 5 Deck Tension ties for ledger lateral support

- add cross blocking between joist

Second Floor

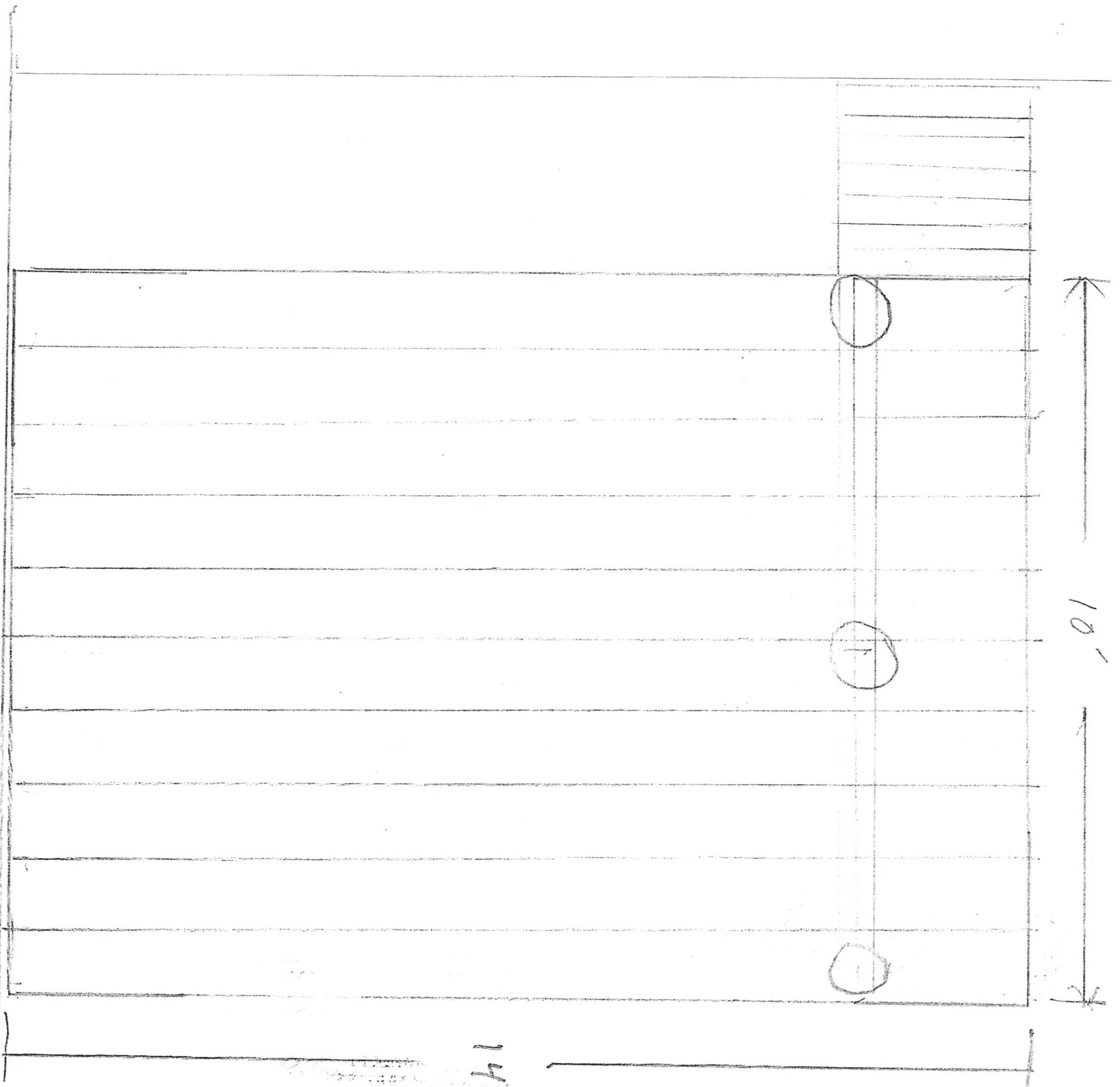
Existing Door House



12 Brooks Ave

First floor

- Triple 2 x 10" beam bolted w/ 1/2" Galv. 16" oc
- 3 - 6 x 6" PT posts w/Simpson BC Galv. connections on top and Simpson ABA to concrete
- Over 12" concrete piers 4' deep
- Pt 2 x 10" joists 16" oc w/ hangers
- PT 4 x 4" railing posts bolted 1/2" galv. w/ Simpson deck tension ties
- Ledger board w/ 5" ledger lock lags 12" oc
- 3 Deck Tension ties for ledger lateral support
- add cross blocking between joist





12 Brooks Ave

First floor back stairs

Add 2 12" concrete footings

4 x4" PT posts w/ simpson connectors

Use 2 x 10"PT ledger and ledger lock 12' oc

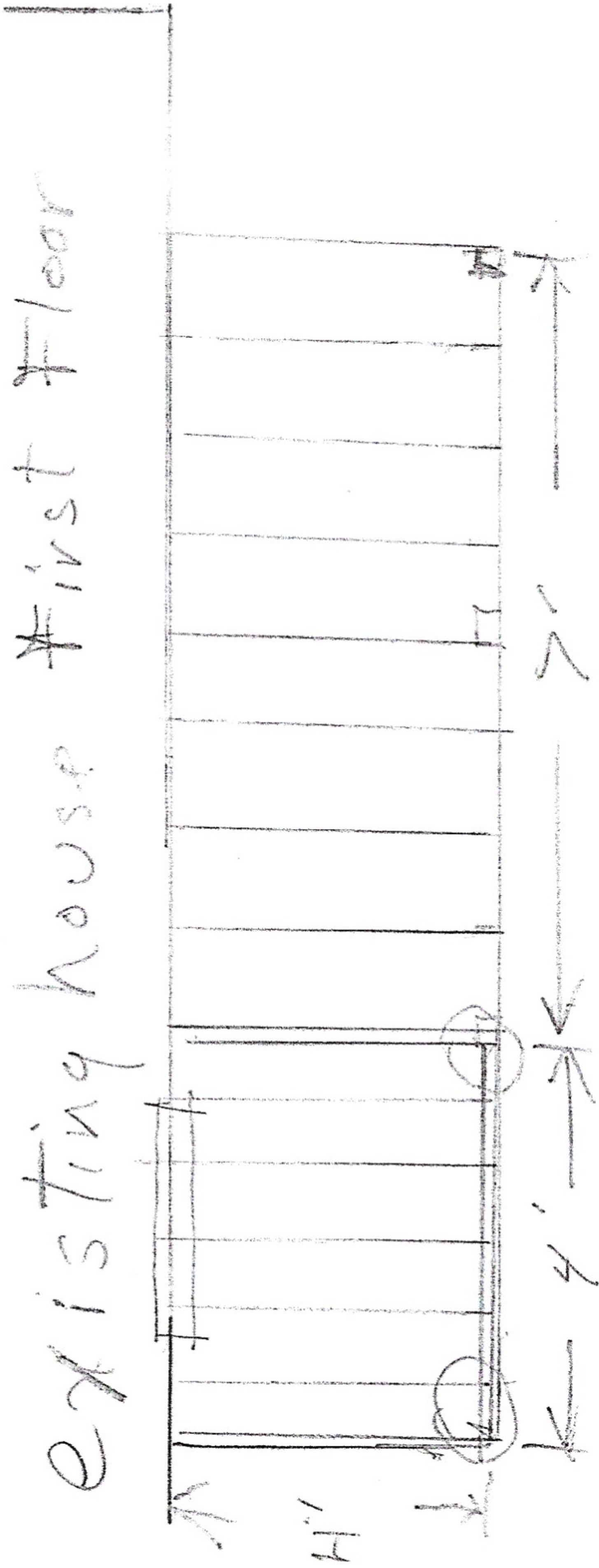
2 Simpson deck tension ties for lateral support

2x 8" PT joists w hangers

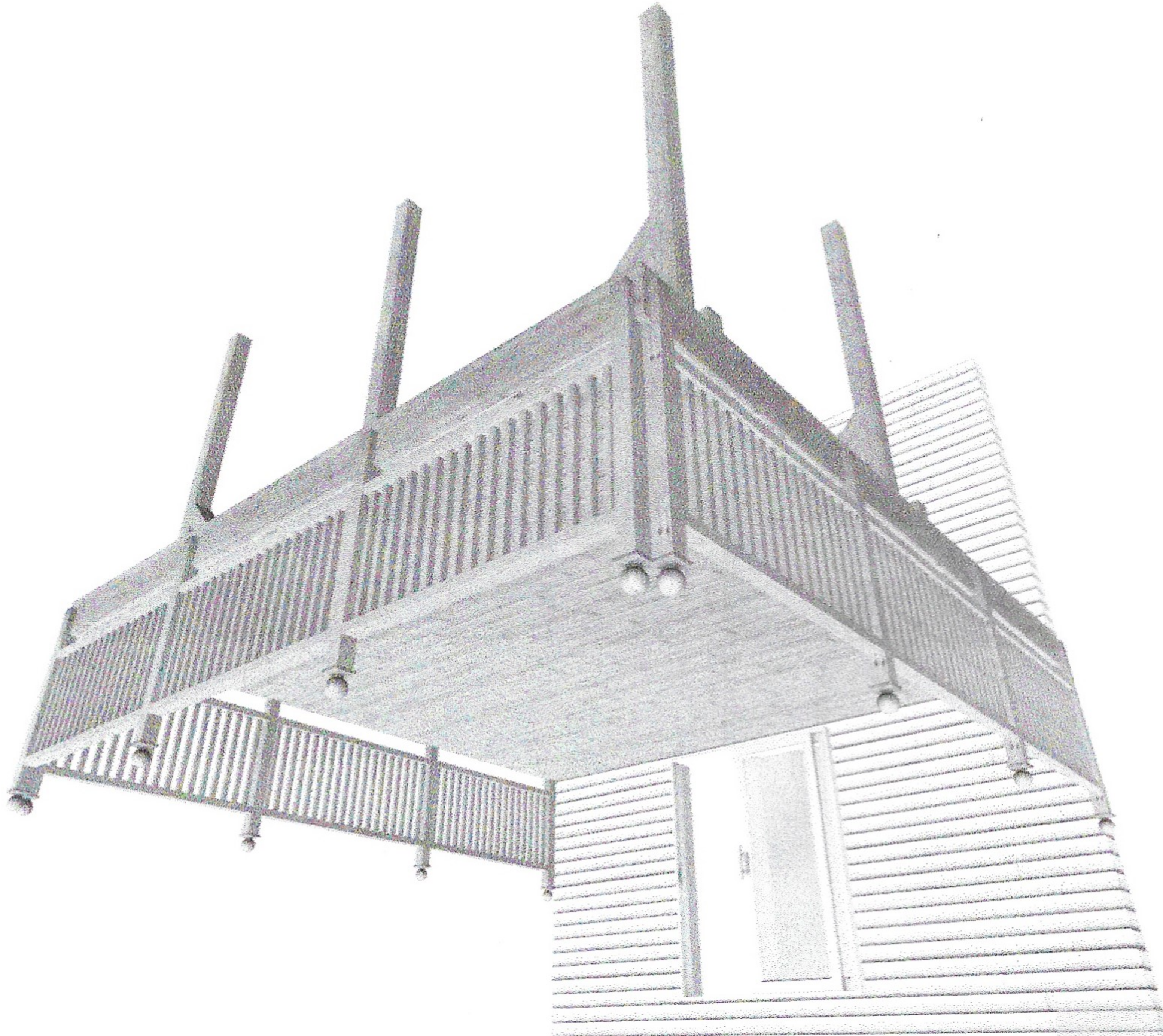
Use 2 x 12" PT stair stringers w/7 1/2' rise 11" run

Add TimberTech Premier railing system white

Trex composite decking







3D view

## Deck Planner Software™ Report

brooks two

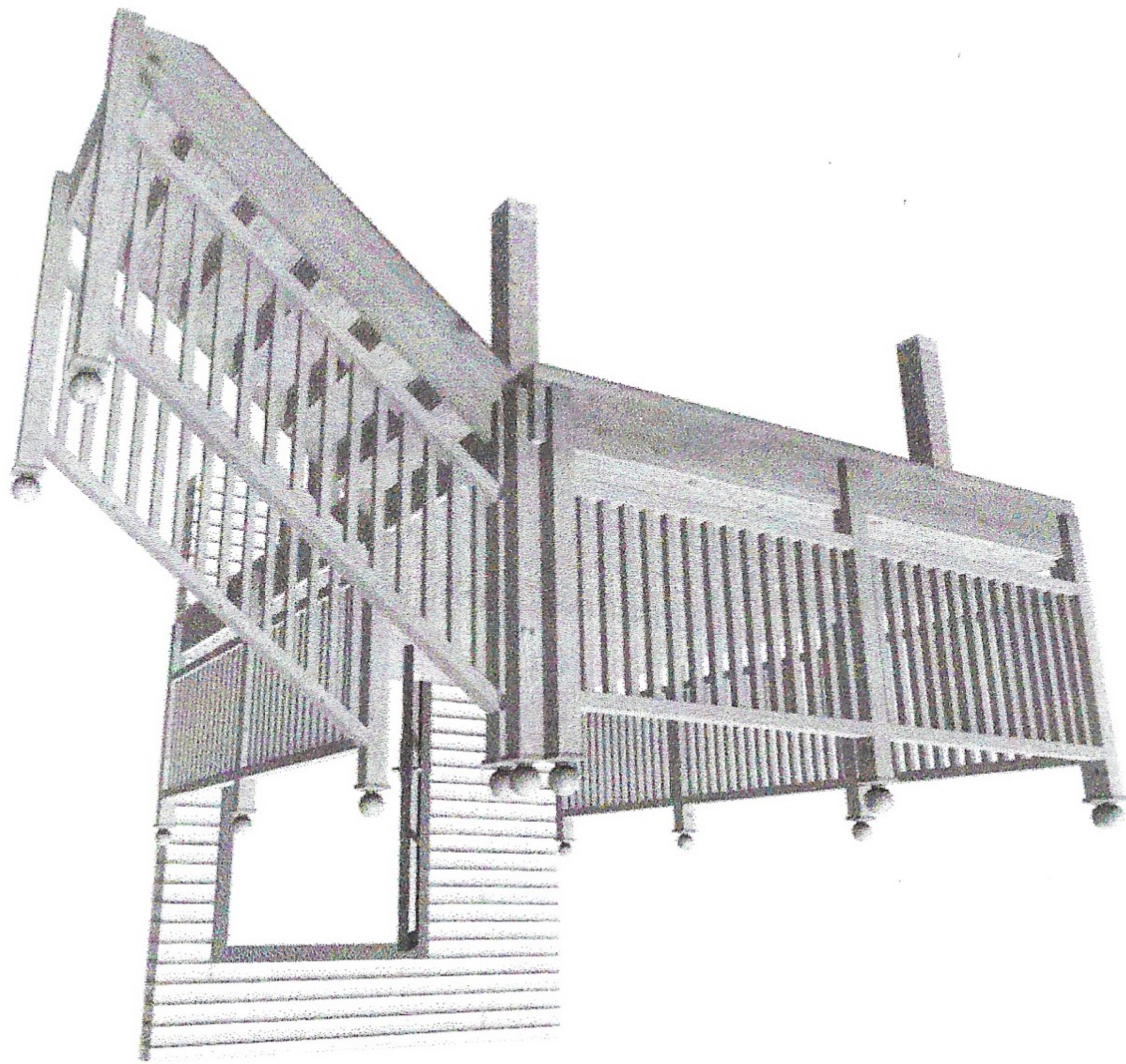
All lengths, areas, weights, masses and structural forces are expressed in U.S. Customary units unless otherwise specified.  
This report was created 4/18/2021 2:27 PM by Deck Planner Software™



All lengths, areas, weights, masses and structural forces are expressed in U.S. Customary units unless otherwise specified.  
This report was created 4/18/2021 2:23 PM by Deck Planner Software™

## Deck Planner Software™ Report

### brooks first floor deck



3D view





Abutting Towns

Water Body

Water Line

Wetlands

Wetland Regulated Buffer

Wetland Regulated Riverfr

Buildings

Master Plan - Town Bound

Master Plan Base Map - Sc

Parcels - For Gray Backgr

Highways - White

Interstate

US Highway

State Highway

Pavement Markings

Impervious Surface - For B

Street

Sidewalk

Street Island

Driveway

Parking Lot

Bike Path

Roads - For Large Scale (f

Roads - For Small Scale (f

Major Road

Local Road

Master Plan Base Map - M

Master Plan Base Map - W

Master Plan Base Map - W

Town Boundary - Gray Bac

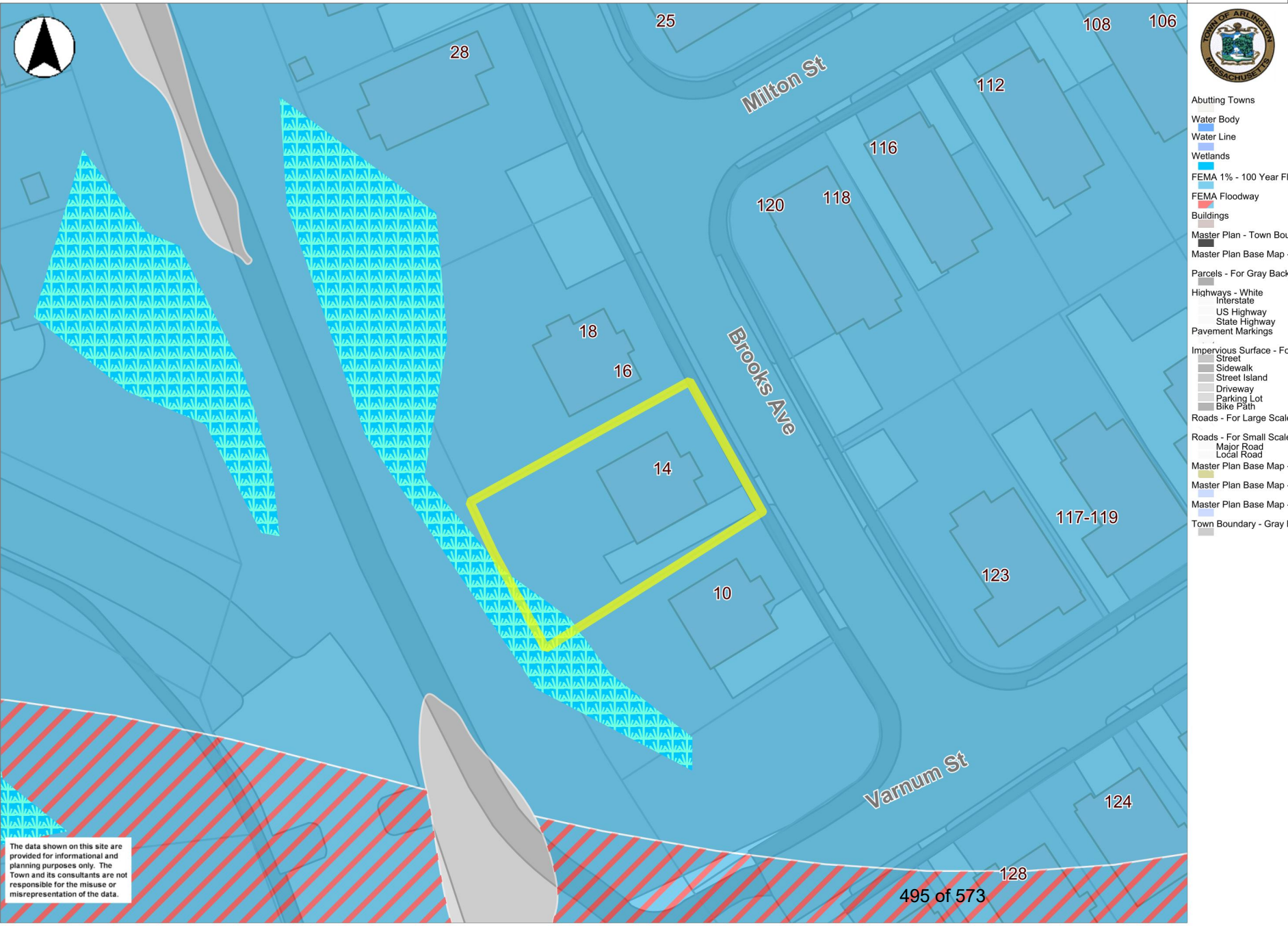
The data shown on this site are provided for informational and planning purposes only. The Town and its consultants are not responsible for the misuse or misrepresentation of the data.

0 67 134 ft

Printed on 05/07/2021 at 01:46 PM

494 of 573

# Wetland and Flood GIS Viewer



The data shown on this site are provided for informational and planning purposes only. The Town and its consultants are not responsible for the misuse or misrepresentation of the data.



- Abutting Towns
- Water Body
- Water Line
- Wetlands
- FEMA 1% - 100 Year Flood
- FEMA Floodway
- Buildings
- Master Plan - Town Boundary
- Master Plan Base Map - Street
- Parcels - For Gray Background
- Highways - White Background
  - Interstate
  - US Highway
  - State Highway
  - Pavement Markings
- Impervious Surface - For Background
  - Street
  - Sidewalk
  - Street Island
  - Driveway
  - Parking Lot
  - Bike Path
- Roads - For Large Scale Map
  - Major Road
  - Local Road
- Master Plan Base Map - Major Road
- Master Plan Base Map - Local Road
- Master Plan Base Map - Water
- Master Plan Base Map - Wetland
- Town Boundary - Gray Background



























## Town of Arlington, Massachusetts

---

### Request for Determination of Applicability 14 Lake Shore Drive: Wetland bylaw File # A21.4

#### Summary:

8:30 p.m. This project proposes to remove the existing retaining wall, regrade the hillside and preform landscaping. The proposed activities are located within the 100-foot Buffer Zone to the Lower Mystic Lake.

#### ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	2021-09-20_RDA_Submittal-Affidavit_of_Service-signed.pdf	RDA Submittal 14 Lake Shore Drive 9-20-21
▢	Reference Material	2021-09-20_Proposed_RDA_Submittal-final.pdf	Proposed RDA Submittal 14 Lake Shore Drive 9-20-21

**Affidavit of Service**

(Please return to Conservation Commission)

I, Theresa Stremkau, being duly sworn, do hereby state as follows: on 9/20/21, I mailed a "Notification to Abutters" in compliance with the second paragraph of Massachusetts General Laws, Chapter 131, s.40, the DEP Guide to Abutter Notification dated April 8, 1994, and the Arlington Wetlands Protection Bylaw, Title V, Article 8 of the Town of Arlington Bylaws in connection with the following matter:

[Brief description of work and address of work.]

Restoration of slope on accessory lot abutting  
14 Lake Shore Dr., Arlington, MA.

The form of the notification, and a list of the abutters to whom it was provided and their addresses, are attached to this Affidavit of Service.

Signed under the pains and penalties of perjury, this 20 day of September 2021

Theresa Stremkau  
Name



**Abutters List**

Date: April 14, 2021

Subject Property Address: 0-LOT LAKE SHORE DR Arlington, MA

Subject Property ID: 75-6-4

Search Distance: 100 Feet

-----  
Prop ID: 75-5-10

Prop Location: 14 LAKE SHORE DR Arlington, MA

Owner: BRAVEMAN THEODORE

Co-Owner: STREMLAU THERESA

Mailing Address:

14 LAKE SHORE DR

ARLINGTON, MA 02474  
-----

Prop ID: 75-5-11

Prop Location: 10 LAKE SHORE DR Arlington, MA

Owner: KELLEHER LIN S

Co-Owner:

Mailing Address:

10 LAKE SHORE DRIVE

ARLINGTON, MA 02474  
-----

Prop ID: 75-5-12

Prop Location: 6 LAKE SHORE DR Arlington, MA

Owner: VO DOMINIQUE

Co-Owner:

Mailing Address:

6 LAKE SHORE DR

ARLINGTON, MA 02474  
-----

Prop ID: 75-5-8

Prop Location: 51 ROBIN HOOD RD Arlington, MA

Owner: DOLAN DAVID D & SARAH Q &

Co-Owner: NYBERG JONATHAN M

Mailing Address:

PO BOX 292

ARLINGTON, MA 02474  
-----

Prop ID: 75-5-9

Prop Location: 18 LAKE SHORE DR Arlington, MA

Owner: FRANZEL CECILIA E

Co-Owner:

Mailing Address:

18 LAKE SHORE DR

ARLINGTON, MA 02474  
-----

Prop ID: 75-6-2

Prop Location: 0-LOT LAKE SHORE DR Arlington, MA

Owner: VO TOI VAN /DOMINQUE

Co-Owner:

Mailing Address:

6 LAKE SHORE DR

ARLINGTON, MA 02474  
-----

Prop ID: 75-6-3

Prop Location: 0-LOT LAKE SHORE DR Arlington, MA

Owner: KELLEHER LIN S

Co-Owner:

Mailing Address:

10 LAKE SHORE DRIVE

ARLINGTON, MA 02474

-----  
**Prop ID: 75-6-4**

**Prop Location: 0-LOT LAKE SHORE DR Arlington, MA**

Owner: BRAVEMAN THEODORE

Co-Owner:

Mailing Address:

14 LAKE SHORE DRIVE

ARLINGTON, MA 02474  
-----

Prop ID: 75-6-5

Prop Location: 0-LOT LAKE SHORE DR Arlington, MA

Owner: FRANZEL CECILIA E

Co-Owner:

Mailing Address:

18 LAKE SHORE DR

ARLINGTON, MA 02474  
-----

Prop ID: 75-6-6

Prop Location: 0-LOT LAKE SHORE DR Arlington, MA

Owner: DOLAN DAVID D & SARAH Q &

Co-Owner: NYBERG JONATHAN M

Mailing Address:

PO BOX 292

ARLINGTON, MA 02474  
-----





Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

Arlington  
City/Town

# WPA Form 1- Request for Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

## A. General Information

### Important:

When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



1. Applicant:

Theresa Stremlau

theresa.stremlau@gmail.co

Name

E-Mail Address

14 Lake Shore Dr.

Mailing Address

Arlington

MA

02474

City/Town

State

Zip Code

781-249-0934

Phone Number

Fax Number (if applicable)

2. Representative (if any):

Firm

Contact Name

E-Mail Address

Mailing Address

City/Town

State

Zip Code

Phone Number

Fax Number (if applicable)

## B. Determinations

1. I request the Town of Arlington make the following determination(s). Check any that apply:  
Conservation Commission

- ☐ a. whether the **area** depicted on plan(s) and/or map(s) referenced below is an area subject to jurisdiction of the Wetlands Protection Act.
- ☐ b. whether the **boundaries** of resource area(s) depicted on plan(s) and/or map(s) referenced below are accurately delineated.
- ☒ c. whether the **work** depicted on plan(s) referenced below is subject to the Wetlands Protection Act.
- ☐ d. whether the area and/or work depicted on plan(s) referenced below is subject to the jurisdiction of any **municipal wetlands ordinance** or **bylaw** of:

Name of Municipality

- ☐ e. whether the following **scope of alternatives** is adequate for work in the Riverfront Area as depicted on referenced plan(s).



**Massachusetts Department of Environmental Protection**

Bureau of Resource Protection - Wetlands

Arlington

City/Town

**WPA Form 1- Request for Determination of Applicability**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**C. Project Description**

1. a. Project Location (use maps and plans to identify the location of the area subject to this request):

Accessory Lot to 14 Lake Shore Dr.

Street Address

Arlington

City/Town

Map 75; Block 6; Lot 4

Assessors Map/Plat Number

Parcel/Lot Number

- b. Area Description (use additional paper, if necessary):

See Attachment A

- c. Plan and/or Map Reference(s):

Title

Date

Title

Date

Title

Date

2. a. Work Description (use additional paper and/or provide plan(s) of work, if necessary):

See Attachment A



**Massachusetts Department of Environmental Protection**

Bureau of Resource Protection - Wetlands

Arlington

City/Town

**WPA Form 1- Request for Determination of Applicability**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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**C. Project Description (cont.)**

b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

n/a

---

3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.

- ☐ Single family house on a lot recorded on or before 8/1/96
- ☐ Single family house on a lot recorded after 8/1/96
- ☐ Expansion of an existing structure on a lot recorded after 8/1/96
- ☐ Project, other than a single-family house or public project, where the applicant owned the lot before 8/7/96
- ☐ New agriculture or aquaculture project
- ☐ Public project where funds were appropriated prior to 8/7/96
- ☐ Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision
- ☐ Residential subdivision; institutional, industrial, or commercial project
- ☐ Municipal project
- ☐ District, county, state, or federal government project
- ☐ Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.

b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary.)

---



**Massachusetts Department of Environmental Protection**

Bureau of Resource Protection - Wetlands

Arlington

City/Town

**WPA Form 1- Request for Determination of Applicability**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**D. Signatures and Submittal Requirements**

I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Name and address of the property owner:

Theresa Stremlau

Name

14 Lake Shore Dr.

Mailing Address

Arlington

City/Town

MA

State

02474

Zip Code

Signatures:

I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.

*Theresa A. Stremlau*

Signature of Applicant

August 12, 2021

Date

Signature of Representative (if any)

Date

## ATTACHMENT A

### Project Description

#### 1.b. Area Description:

The proposed area for which this RDA is being submitted is an area of approximately 1,000 square feet adjacent to Lake Shore Drive and approximately 70 feet from the edge of the Lower Mystic Lake on an accessory lakefront lot to 14 Lake Shore Drive in Arlington. This dirt area is even with the street and is retained by an L-shaped wall which is at approximately 9.13 at its highest elevation.

I have attached photographs to this submittal showing the current wall and photos of the area next to this part of the lot showing the proposed slope of the grass. The adjoining area which is now sloped also had a wall prior to construction of the cabana. That wall was removed and the slope was graded so that a wall was no longer necessary to hold back the dirt. We then planted grass.

The plan is to do the same with the existing wall. The existing wall is too tall and it has always made us nervous that a child could jump or fall off of the wall into the yard below and harm themselves. The wall also encroaches onto the neighbor's accessory lot (Lot 6 on the attached "Conservation As-built Plan, dated August 5, 2019"). That encroachment would be removed when the wall is taken down.

#### 2.a. Work Description:

The proposed work is a restoration project. The goal is to remove an existing wall, restore the pre-existing slope, plant grass or native ground cover and native plantings on the new slope and add street curbing at the top of the slope to reduce street run-off and to prevent anyone from parking in this area as they currently can.

This wall was originally built many years ago when the prior owners of this property lived here. All the neighbors on Lake Shore Drive have hills on their accessory lots with varying degrees of slope. This project will restore the lot where the retaining wall currently is by removing the wall and excess dirt so the hill slopes from the edge of Lake Shore Drive down to the existing lower yard. No FILL of any kind will be added to the slope. Instead, it will be necessary to remove some of the existing dirt because the hill will be too tall with too steep of a slope otherwise.

There will be no encroachment on the existing flood plain. There is a river birch tree located a few feet from the edge of the existing retaining wall. The river birch tree will be protected by our landscaping company prior to starting any work. There are 3 large native grasses planted right next to the existing retaining wall which will be removed from the area to facilitate removal of the wall. Those grasses will be re-planted at the bottom of the newly sloped hill when the work is finished. The plan is to use a small backhoe to do the job as quickly and efficiently as possible. It is estimated that the work to remove the wall will take no longer than one day. The proposed work area is approximately 70' from the edge of the lake so there should be no effect on the lake at all as any dirt removed would not be taken anywhere near the lake. Again, the existing flood plain will not be impacted and with the removal of the wall,

the flood plain will be increased as the wall itself is 72.41 linear feet and 12" wide, and when the wall is removed, the area the wall covered will increase the flood plain by decreasing the impervious surface where the wall now stands.

The new slope will have some grass but mostly native plantings which are also rabbit-resistant because rabbits in the area destroy new plantings as soon as they are planted. Granite curbing will be high enough so that run-off from the road will be reduced. The proposed restored slope will be 5.05 where it will intersect with the lower yard, while the current wall's intersection is at an elevation of 9.13. We have considered the impacts of climate change because we live next to the Lower Mystic Lake. This project will restore habitat, increase native plantings, improve permeability by removing the wall, and the plantings and curbing will help to improve the impact of run-off on the lake from Lake Shore Drive as well as naturalize the increased flood plain. The proposed work will restore and benefit the area by returning it to its natural slope with increased protection from run-off. Even though the proposed work is taking place near the Lower Mystic Lake, it should not require a wetlands permit because it will not impact the resource area.

The existing area where the wall is located is impermeable. The proposed removal of the wall will restore permeability. Surface permeability will be increased by the proposed native plantings instead of the existing dirt and weeds. The proposed project is located in an area of the lot which does not impact public or private water supply or ground water supply. The proposed native vegetation will mitigate flooding and contribute to water infiltration. This is not a construction project. It is a restoration project.

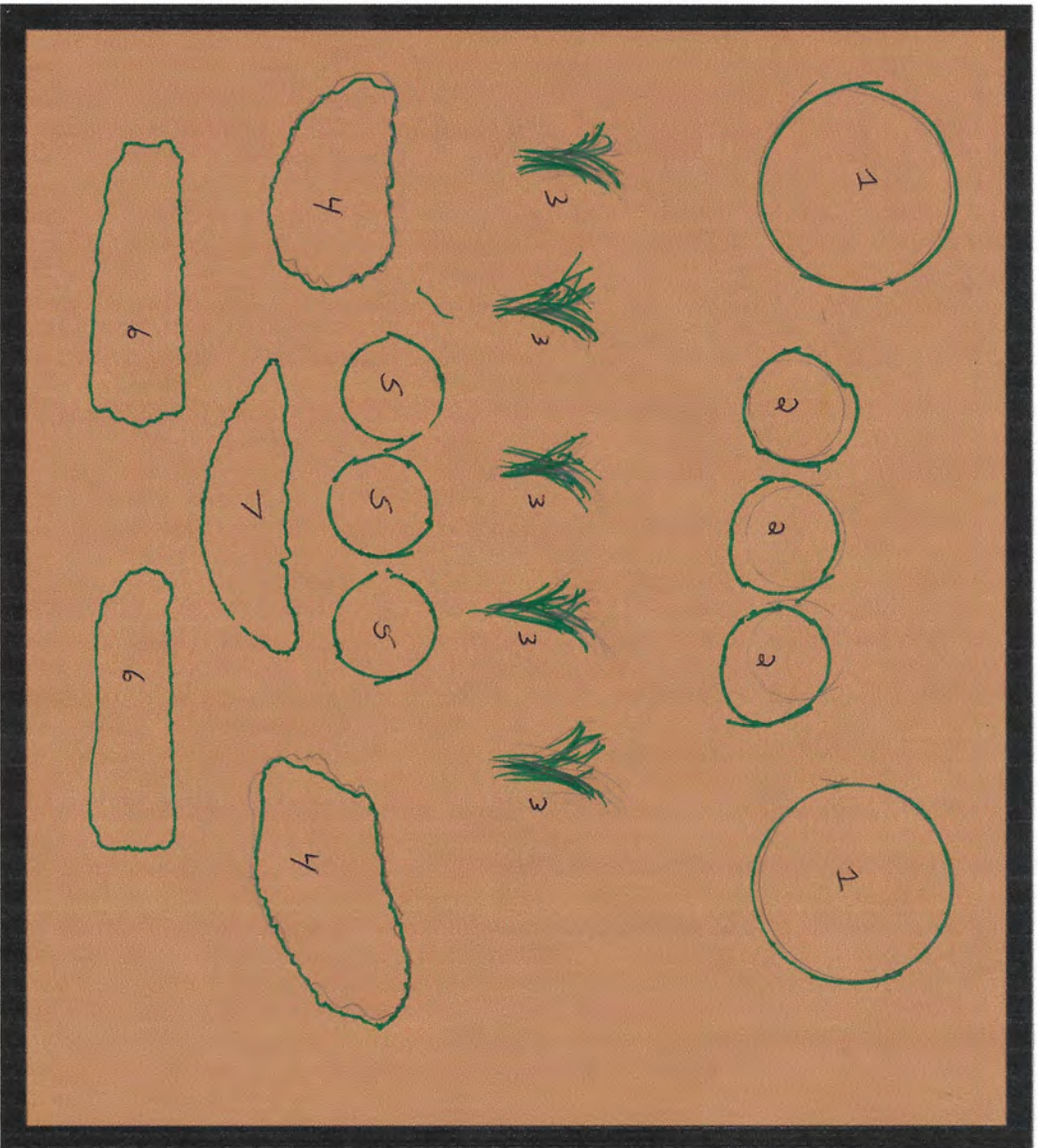




14 Lakeshore Dr  
Arlington, MA  
02474

# PLANT LIST

- 1 Red Twig Dogwood (a)
- 2 Blueberry Bushes (3)
- 3 Ornamental Grasses (5)
- 4 Coreopsis (Bunch)
- 5 Purple love grass (3)
- 6 Maidenhair Fern (Bunch)
- 7 Woodland Iris (Bunch)

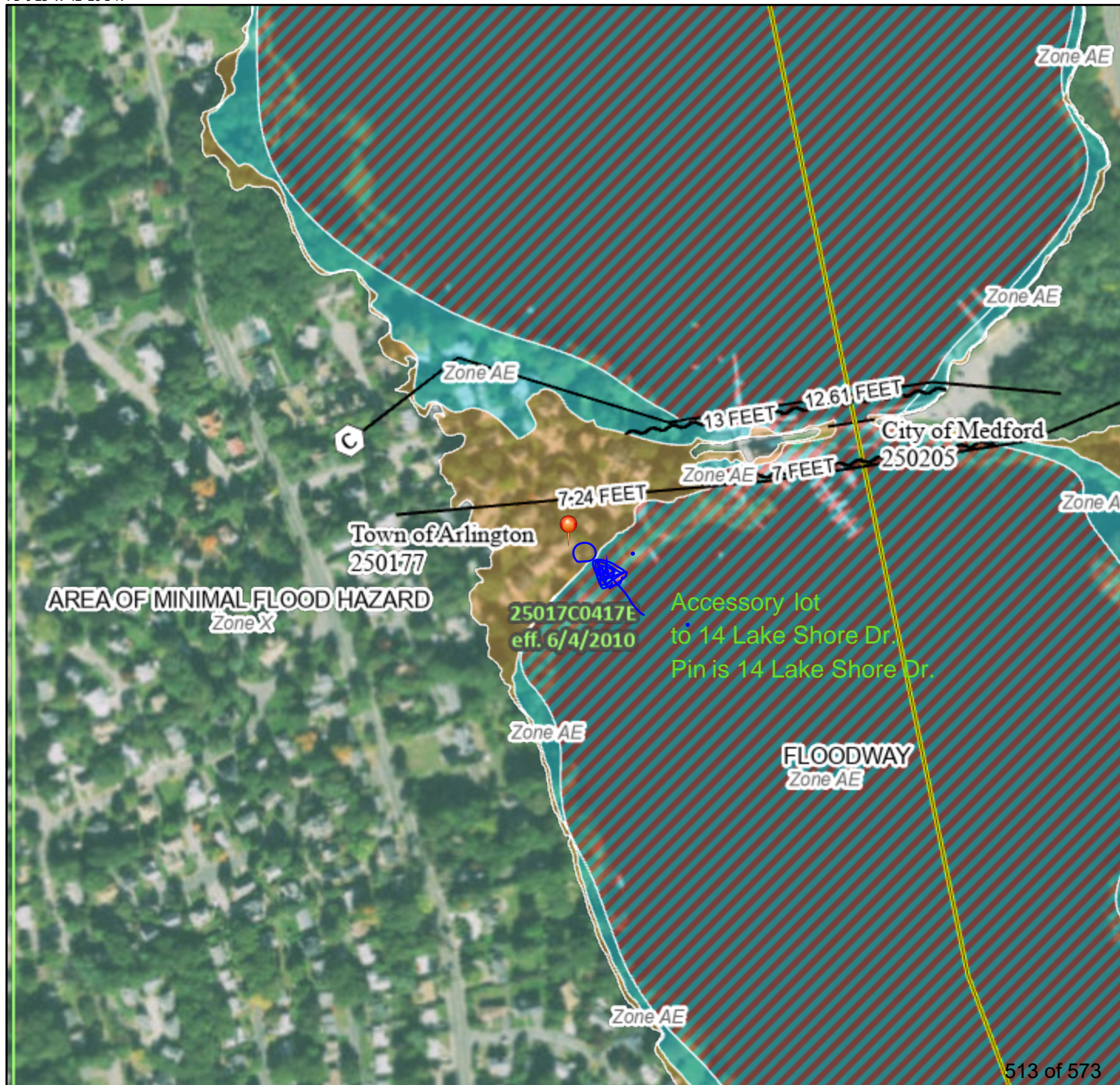




# National Flood Hazard Layer FIRMette



71°9'23"W 42°26'1"N



## Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes. Zone X
		Area with Flood Risk due to Levee Zone D
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard Zone X
		Effective LOMRs
GENERAL STRUCTURES		Area of Undetermined Flood Hazard Zone D
		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
		17.5 Cross Sections with 1% Annual Chance Water Surface Elevation
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
		Coastal Transect Baseline
		Profile Baseline
MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped
		The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.



This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **8/13/2021 at 12:33 PM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

0 250 500 1,000 1,500 2,000 Feet 1:6,000

Basemap: USGS National Map: Orthoimagery: Data refreshed October, 2020

513 of 573  
71°8'45"W 42°25'34"N





Corner of wall

Corner of wall

**PHOTO #1:**

View of wall and restoration area from near the Lower Mystic Lake looking towards Lake Shore Dr. Distance from the shore to the wall and restoration area is approximately 70-75 feet. Green arrows show top corners of wall. Elevation of the right corner is 9.13.





Photo #2

Photo from Lake Shore Drive looking toward the Lower Mystic Lake. Green Arrows show 4 corners of wall. Hill to left of the railings in front of the building approximates the slope that will be restored once the wall is removed.





PHOTO #3:

Black arrow points to slope of hill in front of the cabana. The proposed slope of the restoration area will be similar to this slope. Granite curbing will be installed along Lake Shore Drive which will be the same height as the granite step at the top of the walkway (the red arrow points to this step).





PHOTO #4: Next door neighbor's accessory lot showing natural slope of hill to the northeast of the subject property. This is 18 Lake Shore Dr.





PHOTO #5:

Accessory lot at 6 Lake Shore Dr.  
showing natural slope of hill.

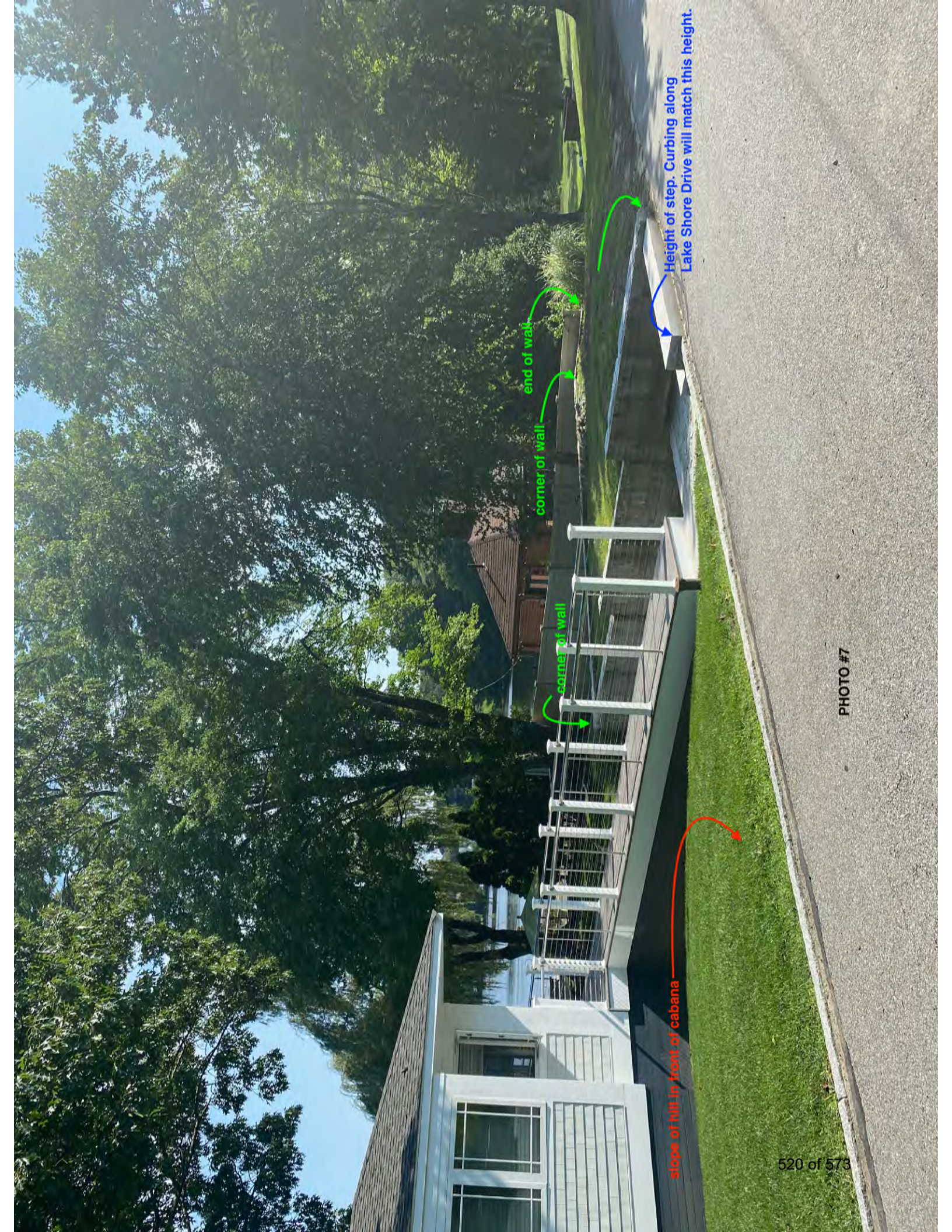




PHOTO #6:

2 Lake Shore Dr.  
Accessory lot  
showing natural slope of hill.





slope of hill in front of cabana

corner of wall

corner of wall

end of wall

Height of step. Curbing along  
Lake Shore Drive will match this height.

PHOTO #7





PHOTO #8: View from Lake Shore Drive towards the lake. The grasses next to the wall will be moved to another location to protect them and then replanted at the bottom of the restored slope.





corner of wall-height +/- 5'

**PHOTO #9:**

**Green arrows show corners of wall. Elevation on Lake Shore Dr. is 10.51. Elevation at the top of the wall is 9.13. Elevation at the bottom of the wall is 5.05. See attached "As-built" plan dated 8/5/19.**





**PHOTO #10:**

**Wall near river birch. Encroachment on accessory lot at 10 Lake Shore Drive is at green arrow. River birch will be protected prior to work commencing.**





## Town of Arlington, Massachusetts

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### Request for Determination of Applicability 100 Wright Street:Wetland bylaw File # A21.5

#### Summary:

8:45 p.m. This project proposes to remove the existing deck and stairs and rebuild with a slightly bigger deck and stairs. New concrete footings will be installed as part of this project. The proposed activities are located within the 100-foot Buffer Zone to a Bordering Vegetated Wetland.

#### ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	100_Wright_St_RDA_9-23-2021.pdf	RDA 100 Wright Street 9-23-21





Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

Arlington  
City/Town

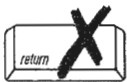
# WPA Form 1- Request for Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

## A. General Information

### Important:

When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



1. Applicant:

Dilpreet Saran

dil.s.saran@gmail.com

Name

E-Mail Address

100 Wright St.

Mailing Address

Arlington

MA

02474

City/Town

State

Zip Code

518-588-6991

Phone Number

Fax Number (if applicable)

2. Representative (if any):

Firm

Contact Name

E-Mail Address

Mailing Address

City/Town

State

Zip Code

Phone Number

Fax Number (if applicable)

## B. Determinations

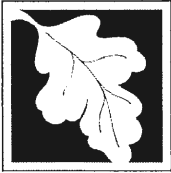
1. I request the Arlington MA make the following determination(s). Check any that apply:  
Conservation Commission

- ☐ a. whether the **area** depicted on plan(s) and/or map(s) referenced below is an area subject to jurisdiction of the Wetlands Protection Act.
- ☐ b. whether the **boundaries** of resource area(s) depicted on plan(s) and/or map(s) referenced below are accurately delineated.
- ☒ c. whether the **work** depicted on plan(s) referenced below is subject to the Wetlands Protection Act.
- ☒ d. whether the area and/or work depicted on plan(s) referenced below is subject to the jurisdiction of any **municipal wetlands ordinance** or **bylaw** of:

Arlington MA

Name of Municipality

- ☐ e. whether the following **scope of alternatives** is adequate for work in the Riverfront Area as depicted on referenced plan(s).



## WPA Form 1- Request for Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

### C. Project Description

1. a. Project Location (use maps and plans to identify the location of the area subject to this request):

100 Wright St.

Street Address

118

Assessors Map/Plat Number

Arlington

City/Town

4-1

Parcel/Lot Number

- b. Area Description (use additional paper, if necessary):

2,240 sq ft family home on a 12,701 sq ft lot within the 100-ft wetland buffer zone to Reed's Brook. Closest corner of home is approximately 71.5 ft to the stream. Home is approximately 70ft from bordering vegetated wetland on property.

- c. Plan and/or Map Reference(s):

GIS Map

Title

9/17/2021

Date

USGS Map

Title

9/17/2021

Date

Bulding Plans

Title

9/19/2021

Date

2. a. Work Description (use additional paper and/or provide plan(s) of work, if necessary):

Remove existing 6'x10' rear 2<sup>nd</sup> floor walkout deck with 6' stair system. Install new 12'x19'-10 1/2" deck with 9' stairs system with new pressure treated pine substructure built with 2'x8' joists at 12"OC. (3) new 12"x48" footings connected to a double 2x12" under-beam. Install new 5/4x6 composite decking with 36" composite rail system.





## WPA Form 1- Request for Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

### C. Project Description (cont.)

b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

---

---

---

3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.

- ☐ Single family house on a lot recorded on or before 8/1/96
- ☐ Single family house on a lot recorded after 8/1/96
- ☐ Expansion of an existing structure on a lot recorded after 8/1/96
- ☐ Project, other than a single family house or public project, where the applicant owned the lot before 8/7/96
- ☐ New agriculture or aquaculture project
- ☐ Public project where funds were appropriated prior to 8/7/96
- ☐ Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision
- ☐ Residential subdivision; institutional, industrial, or commercial project
- ☐ Municipal project
- ☐ District, county, state, or federal government project
- ☐ Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.

b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary.)

---

---

---



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

Arlington  
City/Town

**WPA Form 1- Request for Determination of Applicability**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**D. Signatures and Submittal Requirements**

I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Name and address of the property owner:

Dilpreet Saran

Name

100 Wright St.

Mailing Address

Arlington

City/Town

MA

State

02474

Zip Code

Signatures:

I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.

Signature of Applicant

9/23/21

Date

Signature of Representative (if any)

Date



### **Project Narrative**

Replacement of 6'x10' 2<sup>nd</sup> floor walkout wood deck (plus 6'x4' stairs) with 12'x19'-10 ½" composite deck (plus 9'x4' stairs) at **100 Wright St. Arlington MA 02474**

After recent purchase and move in to the home, it was observed that existing 2<sup>nd</sup> floor walkout wood deck is not up to code and is causing water damage to home due to lack of flashing. It also presents a safety hazard due to poor construction that has been reinforced with 2'x4's to prevent from collapse. Current concrete footings are cracked and eroded.

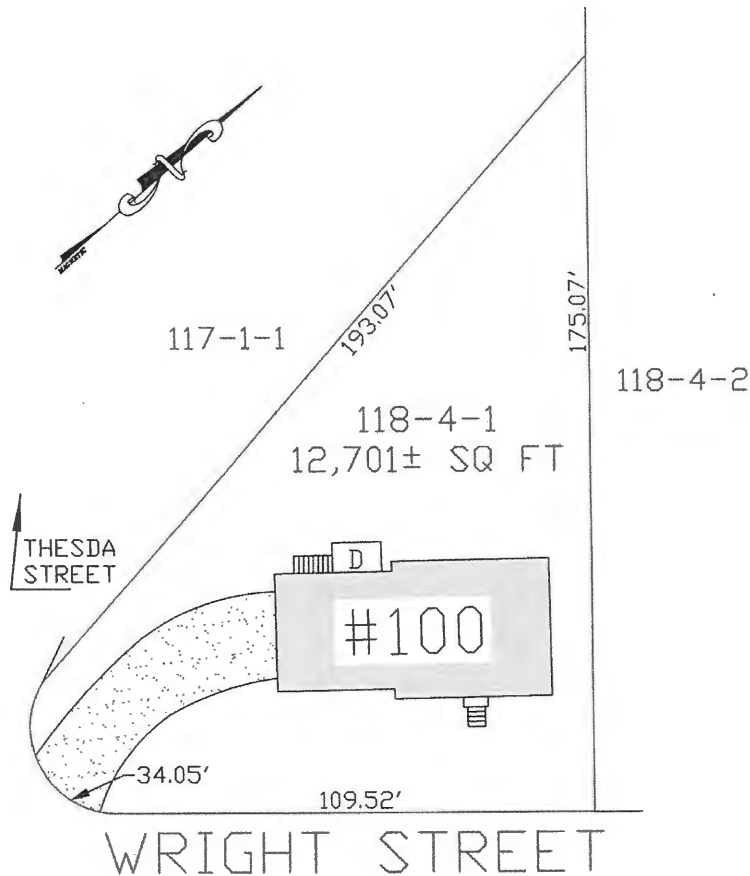
This project intends to remove the current 6'x10' wood deck (plus 6'x4' stairs) and replace with a durable and naturally weather resistant 12'x19'-10 ½" composite deck (plus 9'x4' stairs). The project is within the 100-ft regulated wetland area of Reed's Brook and an associated bordering vegetated wetland. The existing deck area is permeable and will continue to be permeable with proposed design. The use of composite decking and railing eliminates the need for application of protective coatings that could leach into ground water.

116 Thesda St. property is between Reed's Brook and project property. Closest corner of home is approximately 71.5 ft from stream. Closest corner of proposed deck will be approximately 68 ft from stream. Home is approximately 70 ft from bordering vegetated wetland. Closest point of deck will be approximately 58 ft from bordering vegetated wetland. Land is flat and no vegetation will be removed/disturbed for this project.

<i>File number:</i>	210223-20	<b>UNREGISTERED LAND</b>	
<i>Attorney:</i>	ATTORNEY SHIVANI SHAH, P.C.	<i>Deed Book</i>	22155 <i>Page</i> 359
<i>Lender:</i>		<i>Plan Book</i>	<i>Page</i> <i>Lot(s)</i>
<i>Owner:</i>	EDWARD & BERNADETTE MCGONAGLE	<b>REGISTERED LAND</b>	
		<i>Reg. Book</i>	<i>Sheet</i> <i>Lot(s):</i>
<i>Date:</i>	3/4/2021	<i>Certificate of Title</i>	
<i>Assessor's Map</i>	118 <i>Blk:</i> 4 <i>Lot</i> 1	<i>Census Tract</i>	

**MORTGAGE INSPECTION PLAN**  
**100 WRIGHT STREET, ARLINGTON, MA**

**Scale: 1"=35'**



**CERTIFICATION**

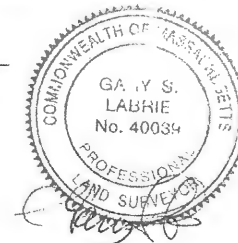
THE MAIN BUILDING, FOUNDATION OR DWELLING WAS IN COMPLIANCE WITH THE LOCAL ZONING BYLAWS IN EFFECT WHEN CONSTRUCTED (WITH RESPECT TO STRUCTURAL SETBACK REQUIREMENTS ONLY) OR IS EXEMPT FROM VIOLATION ENFORCEMENT ACTION UNDER MASS. GENERAL LAW TITLE VII, CHAPTER 40A, SECTION 7.

**FLOOD DETERMINATION**

BY SCALE, THE DWELLING SHOWN HERE DOES NOT FALL WITHIN A SPECIAL FLOOD HAZARD ZONE AS DELINEATED ON A MAP OF COMMUNITY # 25017C0416E AS ZONE X DATED 06/04/2010 BY THE NATIONAL FLOOD INSURANCE PROGRAM.

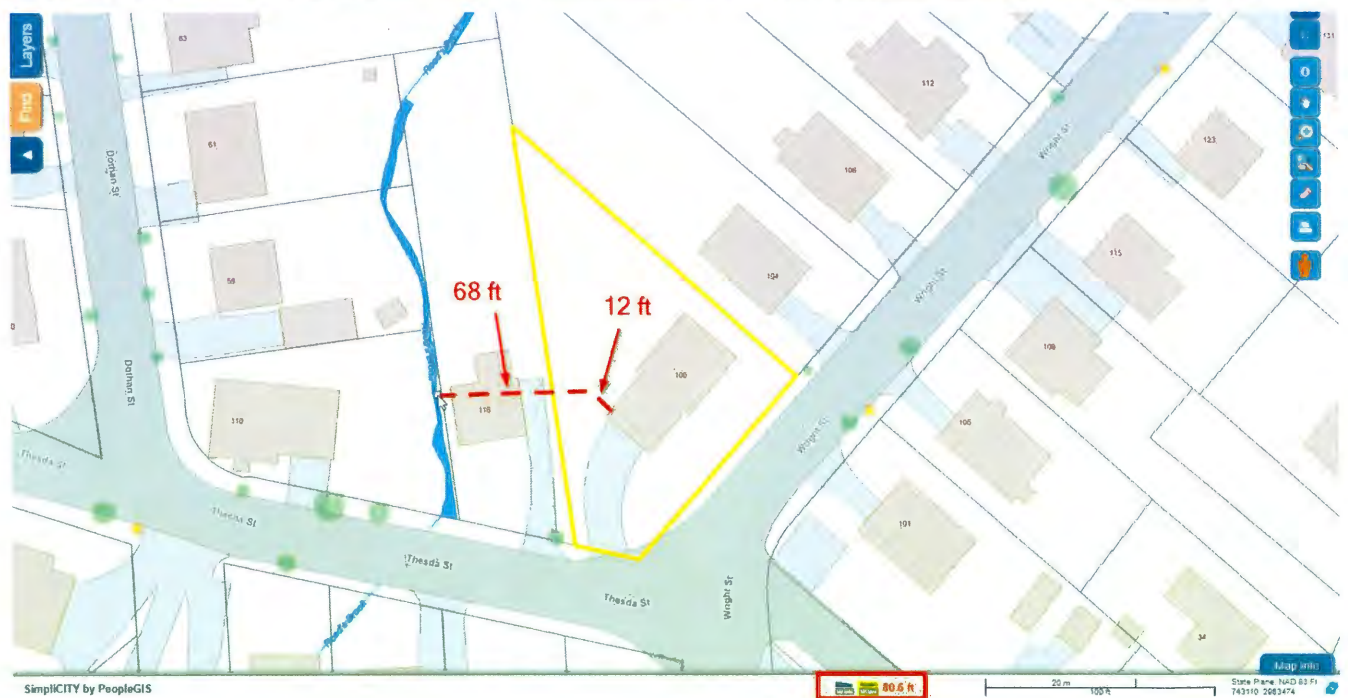
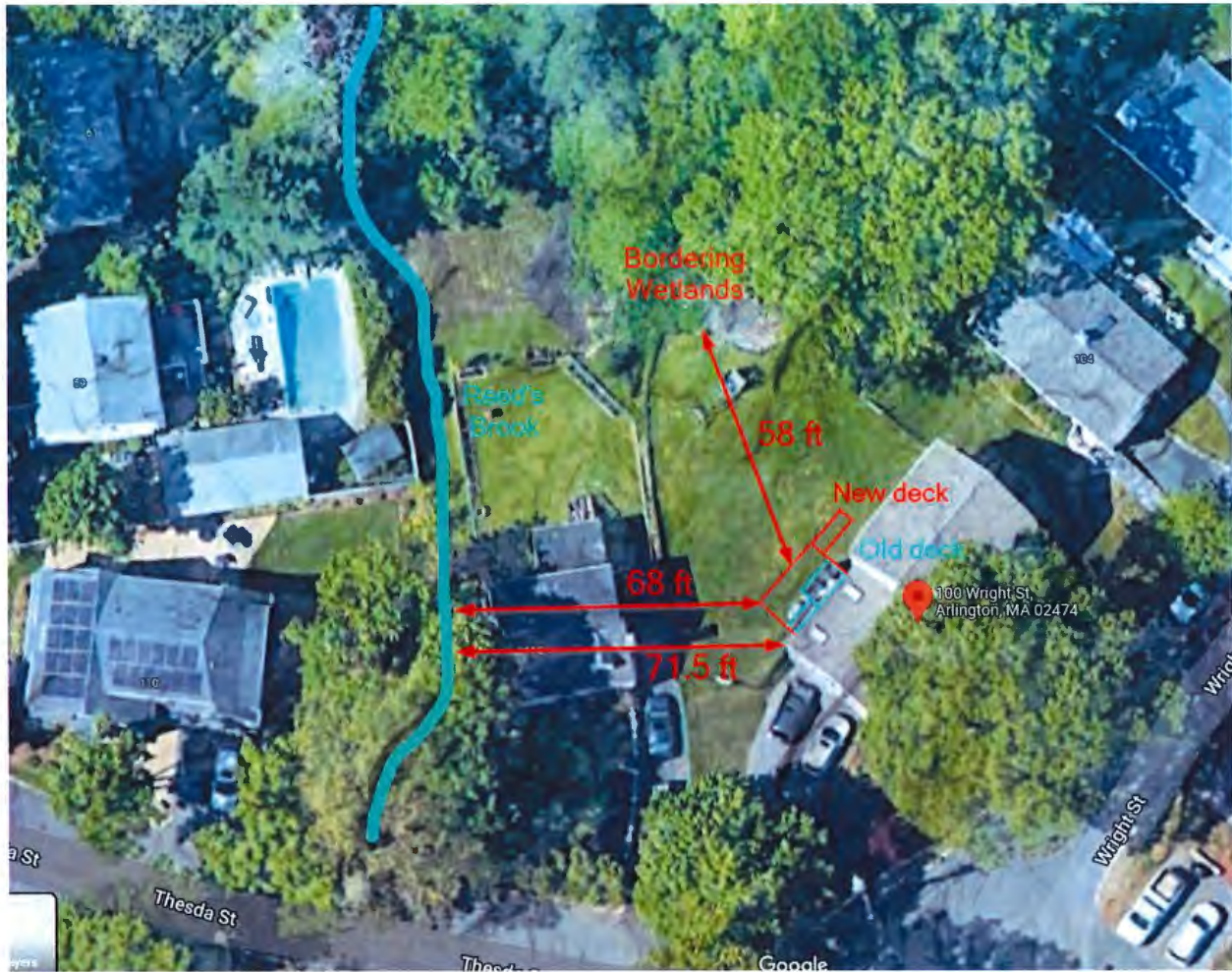


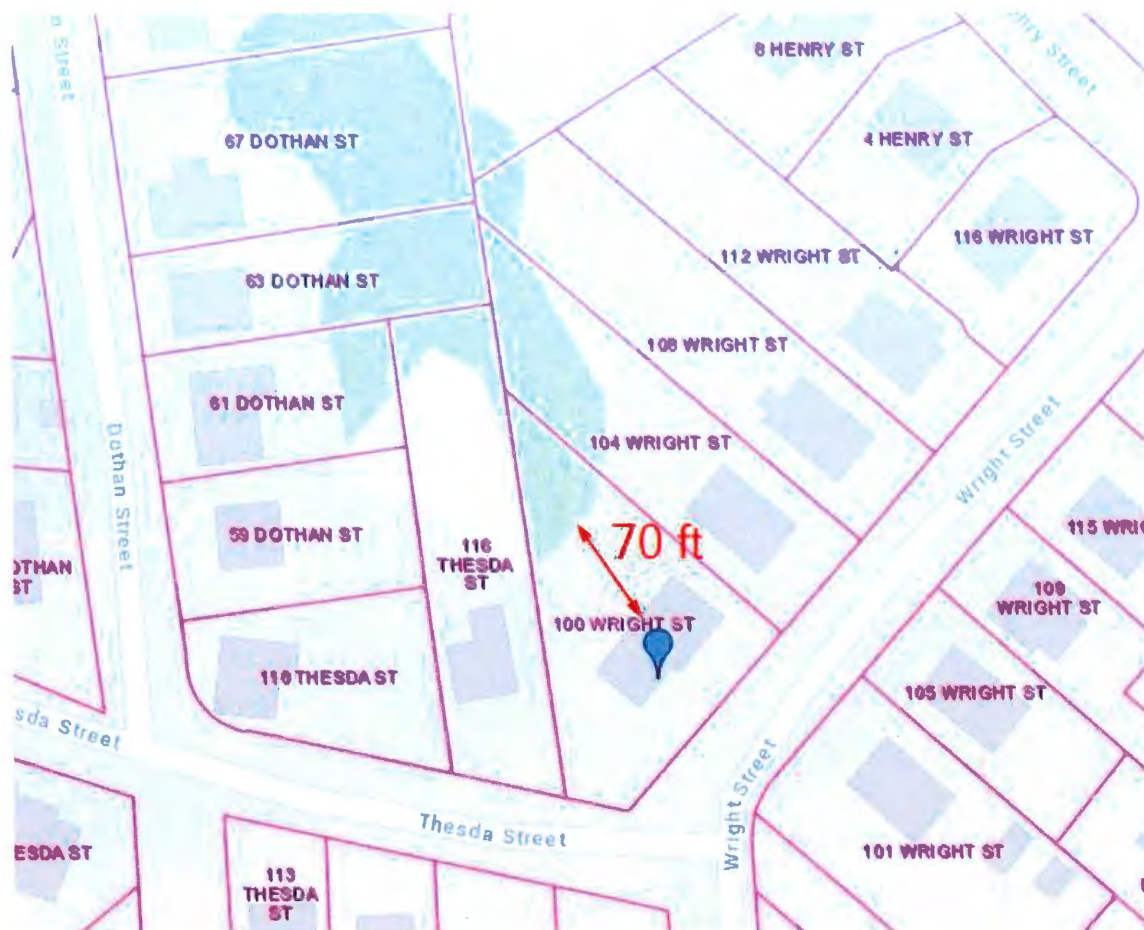
**Olde Stone Plot Plan Service, LLC**  
**P.O. Box 1166**  
**Lakeville, MA 02347-**  
**Tel: (800) 993-3302**  
**Fax: (800) 993-3304**



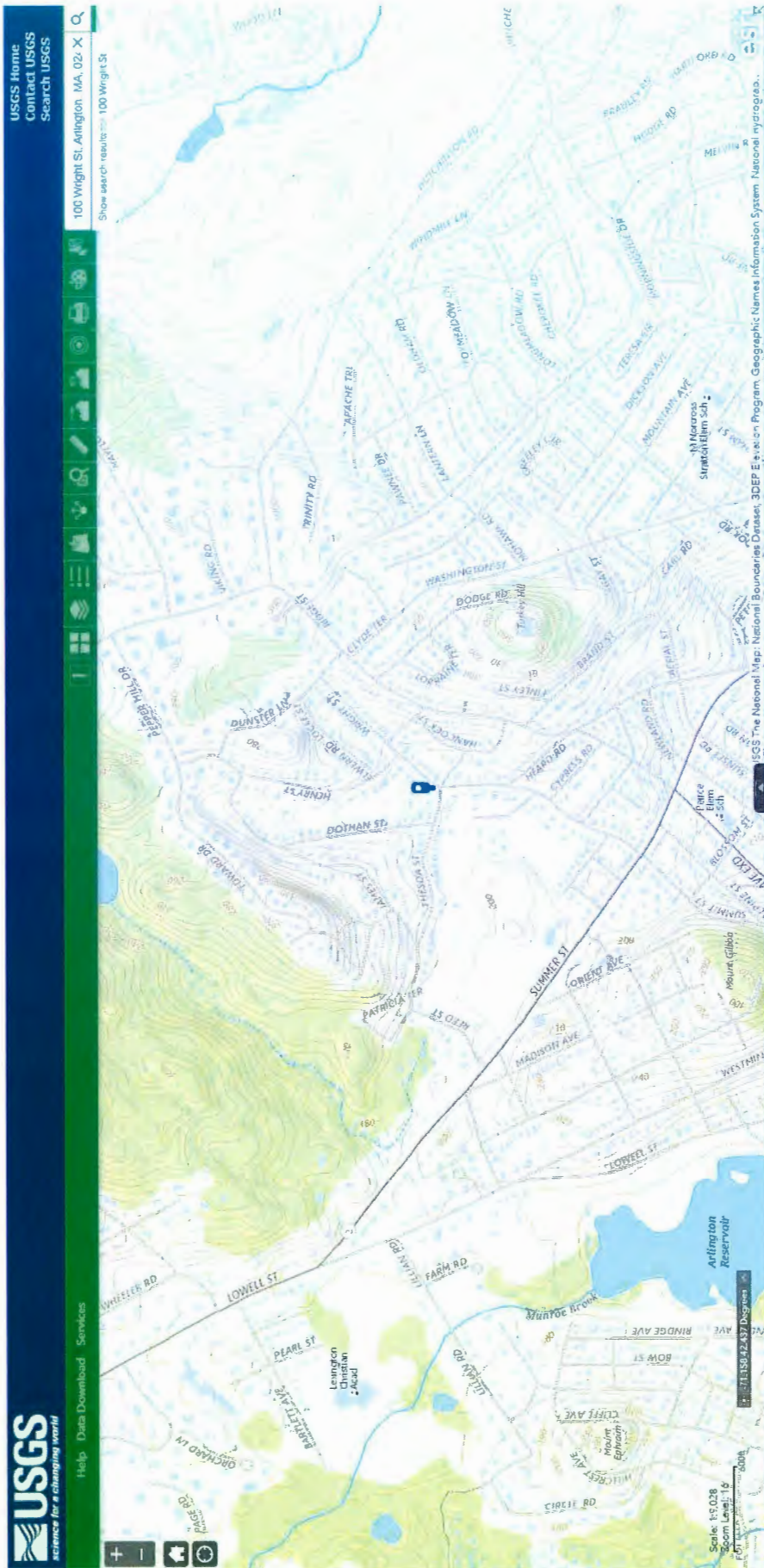
PLEASE NOTE: This inspection is not the result of an instrument survey. The structures as shown are approximate only. An instrument survey would be required for an accurate determination of building locations, encroachments, property line dimensions, fences and lot configuration and may reflect different information than shown here. The land as shown is based on client furnished information only or assessor's map & occupation and may be subject to further out-sales, takings, easements and rights of way. No responsibility is extended to the landowner or surveyor, or occupant. This is merely a mortgage inspection and is not to be recorded.

































## Town of Arlington, Massachusetts

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### Request for Extension of Order of Conditions - 17 Mill Street

#### Summary:

9:00 p.m. The Order was issued on 10-19-2018 and is set to expire this month. According to the Applicant, work on site has been completed, but their contractor needs some additional time to review the work and prepare the Request for Certificate of Compliance

#### ATTACHMENTS:

Type	File Name	Description
▣ Reference Material	17_Mill_Street_Order_of_Conditions_10192018.pdf	Order of Conditions 17 Mill Street 10/18/2018
▣ Reference Material	Email_request_for_extension_-_17_Mill_Street__DEP_File_#091-0301.pdf	Request for Extension



## TOWN OF ARLINGTON

730 Massachusetts Ave.  
Arlington, MA 02476  
781-316-3012

### ARLINGTON CONSERVATION COMMISSION

#### CERTIFICATE OF UNDERSTANDING

RE: Findings and Special Conditions in Wetland Resource Areas, Buffer Zones, and Regulatory Floodways

Street Address: 17 Mill Street

DEP File No: 091-0301

Owner: Corcoran Jennison Management

Issue Date: October 19, 2018

I, \_\_\_\_\_, owner of \_\_\_\_\_, Arlington, Massachusetts, do hereby acknowledge and understand that:

<ul style="list-style-type: none"><li>All or some of my property lies within wetland resource areas such that any <b>new work</b> within this area is subject to review and approval by the Conservation Commission;</li></ul>	<hr/> Initials
<ul style="list-style-type: none"><li>I, as property owner, am <b>responsible for all work on my property</b> even if it is conducted by contractors;</li></ul>	<hr/> Initials
<ul style="list-style-type: none"><li>I have received, <b>read and understand all the general and special conditions</b> contained in the referenced Order of Conditions;</li></ul>	<hr/> Initials
<ul style="list-style-type: none"><li>There are specific <b>requirements PRIOR to the start of work</b> which I agree to follow;</li></ul>	<hr/> Initials
<ul style="list-style-type: none"><li>There are specific <b>requirements DURING construction and work</b> which I agree to follow;</li></ul>	<hr/> Initials
<ul style="list-style-type: none"><li>There are specific <b>requirements for getting a Certificate of Compliance</b> once all permitted work is completed; and</li></ul>	<hr/> Initials
<ul style="list-style-type: none"><li>There are a number of <b>ongoing/perpetual conditions that restrict the kind of landscaping and maintenance activities</b> allowed within wetland resource areas and/or buffer zones.</li></ul>	<hr/> Initials

I have carefully reviewed and understand all of these requirements and agree to adhere to them.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

TOWN HALL, 730 MASSACHUSETTS AVENUE, ARLINGTON, MA 02476

(781) 316-3012

concomm@town.arlington.ma.us

540 of 573







## TOWN OF ARLINGTON

730 Massachusetts Ave.  
Arlington, MA 02476  
781-316-3012

ARLINGTON CONSERVATION COMMISSION

**CERTIFIED MAIL DELIVERY**

**October 19, 2018**

**Corcoran Jennison Management  
150 Mt. Vernon Street, Suite 520  
Boston, MA 02125**

**RE: Order of Conditions for 17 Mill Street - DEP File Number 091-0301**

Enclosed is the original Order of Conditions permit for the above-referenced project, issued pursuant to the Wetlands Protection Act, GL c. 131, § 40, and the Arlington Bylaw for Wetland Protection, Title V, Article 8.

No work on the project may begin until ALL of the following requirements have been satisfied:

- ☐ You have signed and returned to this office the attached Certificate of Understanding.
- ☐ The 10-business day appeal period has elapsed. The appeal period begins on the date of issuance of the Order.
- ☐ You have had the original Order recorded at the Middlesex South Registry of Deeds and the receipt forwarded to the Conservation Commission. The Order is not valid until properly recorded.
- ☐ The DEP file number sign has been erected at the project entrance (as specified in the General Conditions).
- ☐ You have read and understand the enclosed Order of Conditions. Compliance with all conditions and the approved plans is the responsibility of the applicant. Deviation from the approved plans may result in a stop work order or further enforcement, as well as the inability to obtain a Certificate of Compliance.
- ☐ You have conducted a "pre-construction site visit" with the Conservation Administrator, installed erosion controls, submitted in writing the names and telephone numbers of the parties responsible for the work (such as the general contractor, erosion control monitor, field engineer, and wetland scientist), and submitted a schedule of construction, as applicable.
- ☐ Please note that there may be other specific requirements in your Order of Conditions, which may be required for your site. Please be sure to read the whole Order. It is your responsibility to comply with all aspects of the Order.

Upon completion of the project, you must submit:

542 of 573

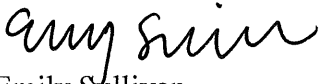


- ☐ A "Request for a Certificate of Compliance" (state WPA form 8a) and
- ☐ An engineer-stamped and signed "as-built plan" to the Conservation Commission stating that all conditions have been satisfactorily completed in compliance with the plans and the Order.

Once received, your Certificate of Compliance must be recorded at the Middlesex South Registry of Deeds, and the receipt sent to the Conservation Office (as per the Wetlands Protection Regulations).

Please contact our office with any questions at 781-316-3012 or email [esullivan@town.arlington.ma.us](mailto:esullivan@town.arlington.ma.us).

Thank you,



Emily Sullivan  
Environmental Planner & Conservation Agent

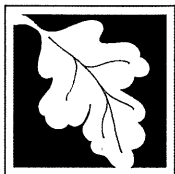
Enclosures:   Order of Conditions  
                  Certificate of Understanding

Cc: file, DEP-NERO, Normand Gamache, David Haines

\_\_\_\_\_  
Received by

\_\_\_\_\_  
Date

TOWN HALL, 730 MASSACHUSETTS AVENUE, ARLINGTON, MA 02476  
(781) 316-3012



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File #

091-0301

eDEP Transaction #

Arlington

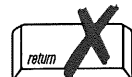
City/Town

**A. General Information**

**Please note:**  
this form has  
been modified  
with added  
space to  
accommodate  
the Registry  
of Deeds  
Requirements

1. From: Arlington  
Conservation Commission
2. This issuance is for (check one):  
a. ☒ Order of Conditions b. ☐ Amended Order of Conditions
3. To: Applicant:

**Important:**  
When filling  
out forms on  
the  
computer,  
use only the  
tab key to  
move your  
cursor - do  
not use the  
return key.



a. First Name Corcoran Jennison Management b. Last Name \_\_\_\_\_  
c. Organization 150 Mt. Vernon Street, Suite 520  
d. Mailing Address \_\_\_\_\_  
Boston MA 02125  
e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

a. First Name \_\_\_\_\_ b. Last Name \_\_\_\_\_  
Millbrook Square Apartments Company Limited Partnership  
c. Organization 1500 Mt. Vernon Street, Suite 500  
d. Mailing Address \_\_\_\_\_  
Boston MA 02125  
e. City/Town f. State g. Zip Code

5. Project Location:

17 Mill Street Arlington  
a. Street Address b. City/Town  
51, Block B 1B  
c. Assessors Map/Plat Number d. Parcel/Lot Number

Latitude and Longitude, if known: 42d25m03.1s -7-1d-09m-24.9s  
d. Latitude e. Longitude





Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File #

091-0301

eDEP Transaction #

Arlington

City/Town

**A. General Information (cont.)**

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):

Middlesex

a. County

b. Certificate Number (if registered land)

c. Book

d. Page

7. Dates: 08/02/2018 10/04/2018 10/19/2018  
a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):

Mill Brook Wall Repair Plans

a. Plan Title

Neal Mitchell Associates

Dale MacKinnon, P.E.

b. Prepared By

c. Signed and Stamped by

08/01/2018

1"=20'

d. Final Revision Date

e. Scale

Wetland Evaluation and Invasive Species Mitigation Plan

07/31/2018

f. Additional Plan or Document Title

g. Date

**B. Findings**

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:

- a. ☒ Public Water Supply b. ☐ Land Containing Shellfish c. ☒ Prevention of Pollution  
d. ☒ Private Water Supply e. ☐ Fisheries f. ☒ Protection of Wildlife Habitat  
g. ☒ Groundwater Supply h. ☒ Storm Damage Prevention i. ☒ Flood Control

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

**Approved** subject to:

- a. ☒ the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

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091-0301

eDEP Transaction #

Arlington

City/Town

**B. Findings (cont.)**

**Denied** because:

- b. ☐ the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. ☐ the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
3. ☐ Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) \_\_\_\_\_ a. linear feet

**Inland Resource Area Impacts:** Check all that apply below. (For Approvals Only)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input checked="" type="checkbox"/> Bank	71.5 a. linear feet	71.5 b. linear feet	71.5 c. linear feet	71.5 d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	a. square feet	b. square feet	c. square feet	d. square feet
6. <input checked="" type="checkbox"/> Land Under Waterbodies and Waterways	28.5 a. square feet .6 e. c/y dredged	28.5 b. square feet .6 f. c/y dredged	14 c. square feet	14 d. square feet
7. <input checked="" type="checkbox"/> Bordering Land Subject to Flooding	297 a. square feet	297 b. square feet	297 c. square feet	297 d. square feet
Cubic Feet Flood Storage	113 e. cubic feet	113 f. cubic feet	52 g. cubic feet	52 h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	a. square feet	b. square feet		
Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9. <input checked="" type="checkbox"/> Riverfront Area	123 a. total sq. feet	123 b. total sq. feet		
Sq ft within 100 ft	123 c. square feet	123 d. square feet		
Sq ft between 100-200 ft	0 g. square feet	0 h. square feet		
			e. square feet	f. square feet
			i. square feet	j. square feet





Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File #

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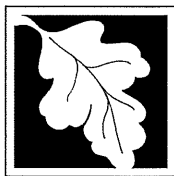
Arlington

City/Town

**B. Findings (cont.)**

**Coastal Resource Area Impacts:** Check all that apply below. (For Approvals Only)

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	<u>                    </u> a. square feet	<u>                    </u> b. square feet		
	<u>                    </u> c. c/y dredged	<u>                    </u> d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	<u>                    </u> a. square feet	<u>                    </u> b. square feet	<u>                    </u> c. nourishment	<u>                    </u> d. nourishment
14. <input type="checkbox"/> Coastal Dunes	<u>                    </u> a. square feet	<u>                    </u> b. square feet	<u>                    </u> c. nourishment	<u>                    </u> d. nourishment
15. <input type="checkbox"/> Coastal Banks	<u>                    </u> a. linear feet	<u>                    </u> b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	<u>                    </u> a. square feet	<u>                    </u> b. square feet		
17. <input type="checkbox"/> Salt Marshes	<u>                    </u> a. square feet	<u>                    </u> b. square feet	<u>                    </u> c. square feet	<u>                    </u> d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	<u>                    </u> a. square feet	<u>                    </u> b. square feet		
	<u>                    </u> c. c/y dredged	<u>                    </u> d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	<u>                    </u> a. square feet	<u>                    </u> b. square feet	<u>                    </u> c. square feet	<u>                    </u> d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	<u>                    </u> a. c/y dredged	<u>                    </u> b. c/y dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	<u>                    </u> a. square feet	<u>                    </u> b. square feet		
22. <input type="checkbox"/> Riverfront Area	<u>                    </u> a. total sq. feet	<u>                    </u> b. total sq. feet		
Sq ft within 100 ft	<u>                    </u> c. square feet	<u>                    </u> d. square feet	<u>                    </u> e. square feet	<u>                    </u> f. square feet
Sq ft between 100-200 ft	<u>                    </u> g. square feet	<u>                    </u> h. square feet	<u>                    </u> i. square feet	<u>                    </u> j. square feet



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

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091-0301

eDEP Transaction #

Arlington

City/Town

**B. Findings (cont.)**

\* #23. If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

23. ☐ Restoration/Enhancement \*:

a. square feet of BVW

b. square feet of salt marsh

24. ☐ Stream Crossing(s):

a. number of new stream crossings

b. number of replacement stream crossings

**C. General Conditions Under Massachusetts Wetlands Protection Act**

**The following conditions are only applicable to Approved projects.**

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
  - a. The work is a maintenance dredging project as provided for in the Act; or
  - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
  - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on 10/10/2021 unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.





Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File #

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eDEP Transaction #

Arlington

City/Town

**C. General Conditions Under Massachusetts Wetlands Protection Act**

8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,  
"Massachusetts Department of Environmental Protection" [or, "MassDEP"]  
"File Number 091-0301"
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File #

091-0301

eDEP Transaction #

Arlington

City/Town

**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
19. The work associated with this Order (the "Project")
- (1) ☐ is subject to the Massachusetts Stormwater Standards
  - (2) ☒ is NOT subject to the Massachusetts Stormwater Standards

**If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:**

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
  - i. all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
  - ii. as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
  - iii. any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;





Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File #

091-0301

eDEP Transaction #

Arlington

City/Town

**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;

v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:

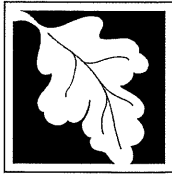
i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and

ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.

d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.

e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.

f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

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Arlington

City/Town

**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

- g) The responsible party shall:
1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
  2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
  3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

**See Attached Findings and Conditions**

20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.





Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File #

091-0301

eDEP Transaction #

Arlington

City/Town

**D. Findings Under Municipal Wetlands Bylaw or Ordinance**

1. Is a municipal wetlands bylaw or ordinance applicable? ☒ Yes ☐ No
2. The Arlington hereby finds (check one that applies):  
Conservation Commission

- a. ☐ that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

1. Municipal Ordinance or Bylaw

2. Citation

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- b. ☒ that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

Arlington Bylaw for Wetlands Protection

Title V, Art 8

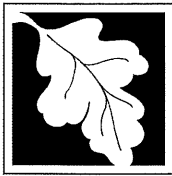
1. Municipal Ordinance or Bylaw

2. Citation

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

See attached Findings and Conditions



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File #

091-0301

eDEP Transaction #

Arlington

City/Town

**E. Signatures**

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

10/19/2018

1. Date of Issuance

Please indicate the number of members who will sign this form.

7

This Order must be signed by a majority of the Conservation Commission.

2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

Signatures:

☐ by hand delivery on

☒ by certified mail, return receipt requested, on

10/19/2018

Date

Date

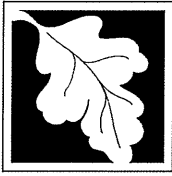
**F. Appeals**

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.





Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File #

091-0301

eDEP Transaction #

Arlington

City/Town

## G. Recording Information

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Arlington

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Arlington

Conservation Commission

Please be advised that the Order of Conditions for the Project at:

17 Mill Street

Project Location

MassDEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

for:

Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands

DEP File Number: \_\_\_\_\_

**Request for Departmental Action Fee  
Transmittal Form**

Provided by DEP

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**A. Request Information**

1. Location of Project

a. Street Address \_\_\_\_\_

b. City/Town, Zip \_\_\_\_\_

c. Check number \_\_\_\_\_

d. Fee amount \_\_\_\_\_

2. Person or party making request (if appropriate, name the citizen group's representative):

Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

City/Town \_\_\_\_\_

State \_\_\_\_\_

Zip Code \_\_\_\_\_

Phone Number \_\_\_\_\_

Fax Number (if applicable) \_\_\_\_\_

3. Applicant (as shown on Determination of Applicability (Form 2), Order of Resource Area Delineation (Form 4B), Order of Conditions (Form 5), Restoration Order of Conditions (Form 5A), or Notice of Non-Significance (Form 6)):

Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

City/Town \_\_\_\_\_

State \_\_\_\_\_

Zip Code \_\_\_\_\_

Phone Number \_\_\_\_\_

Fax Number (if applicable) \_\_\_\_\_

4. DEP File Number: \_\_\_\_\_

**Important:**  
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



**B. Instructions**

1. When the Departmental action request is for (check one):

☐ Superseding Order of Conditions – Fee: \$120.00 (single family house projects) or \$245 (all other projects)

☐ Superseding Determination of Applicability – Fee: \$120

☐ Superseding Order of Resource Area Delineation – Fee: \$120





**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands

DEP File Number:

**Request for Departmental Action Fee  
Transmittal Form**

Provided by DEP

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**B. Instructions (cont.)**

Send this form and check or money order, payable to the *Commonwealth of Massachusetts*, to:

Department of Environmental Protection  
Box 4062  
Boston, MA 02211

2. On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.
3. Send a **copy** of this form and a **copy** of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/>).
4. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

DOCUMENTS REVIEWED

1. Notice of Intent for work at 17 Mill Street, Arlington, MA, prepared by Guerriere & Halnon, Inc., for the Applicant: Corcoran Jennison Management, dated August 2, 2018.
2. Resource Area Plan, prepared by Haines Hydrogeologic Consulting, dated December 26, 2017, revised July 31, 2018, final revised September 12, 2018.
3. Wildlife Habitat Findings, prepared by Haines Hydrogeologic Consulting, dated September 18, 2018.
4. Wetland Evaluation and Invasive Species Mitigation Plan, prepared by haines Hydrogeologic Consulting, dated July 30, 2018.
5. Wall Repairs Plan, prepared by Neal Mitchell Associates and stamped by Dale MacKinnon, P.E., dated August 1, 2018.
6. USGS Locus Topographic Map created by Guerriere & Halnon, Inc., dated November 23, 2015.
7. Flood Insurance Rate Map, Panel 416 of 656, Map Number 25017C0416E, Effective Date June 4, 2010.

PROCEDURAL SUMMARY

The Conservation Commission held a public hearing on the Notice of Intent on August 16, 2018. The Commission closed the hearing on October 4, 2018, deliberated and voted 5-0, with 1 member abstaining and 1 member absent, to approve the Project with conditions under the Wetlands Protection Act (the "Act") and voted 5-0, with 1 member abstaining and 1 member absent, to approve the Project with conditions under the Arlington Wetlands Protection Bylaw (the "Bylaw").

FINDINGS OF FACT AND LAW  
UNDER ARLINGTON WETLANDS PROTECTION BYLAW  
AND WETLANDS PROTECTION ACT

- A. The Project as approved involves the restoration of two channelized retaining walls along Mill Brook. The north side retaining wall will be replaced with a new wall, while the south side retaining wall will be reinforced. The new north side wall will be 30 feet long, positioned approximately 2 feet northwest of the form location. The reinforced south side wall will be reinforced with 41.5 feet of COR-Ten Fender with 8 inches of concrete behind the COR-Ten Fender. All rubble and dilapidated wall will be removed. The net removal volume of wall will be 52 cubic feet, with a disturbance area of 96 square feet, and the creation of 17 square feet of additional Land Under Water.



- B. The Project site is approximately 2.43 acres, located on Mill Street, near the Mill Street and Bacon Street intersection. The Mill Brook parallels the northern property boundary and is a perennial stream.
- C. The following Resource Areas are present on the site or within 200 feet of the lot lines: perennial stream, Bordering Vegetated Wetland (“BVW”), Bank to stream and BVW, Adjacent Upland Resource Area (“AURA”) (Bylaw) and Buffer Zone (Act) to Bank and BVW, and Riverfront Area. The Commission finds accurate the delineation of Resource Areas shown on the approved Site Plan.
- D. Because work proposed does not increase impervious surface, the Commission finds the project meets the performance standards for work in a Riverfront Area.
- E. The proposal also includes removal of invasive species, primarily Japanese Knotweed.
- F. Based on the testimony at the public hearing, and review of the application materials and the documents listed above submitted during the public hearing, the Commission concludes that the proposed Project will not alter Resource Areas under the Act and Bylaw, the work as conditioned will not have significant or cumulative effects upon the interests of the Wetlands Protection Act or the Resource Area values of the Arlington Wetlands Bylaw when the conditions imposed are implemented to protect the Resource Area values. With the conditions contained herein, the Project meets the performance standards in the Bylaw Regulations and state Wetlands Regulations, 310 CMR 10.00.

Additional Special Conditions

In addition to the General Conditions (numbered 1 – 20 above), the Project is subject to the following Additional Special Conditions (under both the Act and Bylaw):

- 21. Work permitted by this Order and Permit shall conform to the Notice of Intent, the approved plans and documents (listed above), and oral representations (as recorded in hearing minutes) submitted or made by the Applicant and the Applicant’s agents or representatives, as well as any plans and other data, information or representations submitted per these Conditions and approved by the Commission.
- 22. The provisions of this Order and Permit shall apply to and be binding upon the Applicant and Applicant’s assignees, tenants, property management company, employees, contractors, and agents.
- 23. No work shall be started under this Order until: (a) all other required permits or approvals have been obtained and (b) the appeal period of ten (10) business days from the date of issue of this Order has expired without any appeal being filed and (c) this Order has been recorded in the Registry of Deeds. No work shall be started under this Permit until all other necessary permits or approvals have been obtained.

24. The Applicant shall ensure that a copy of this Order of Conditions and Permit for work, with any referenced plans, is available on site at all times, and that contractors, site managers, foremen, and sub-contractors understand its provisions.
25. Prior to starting work, the Applicant shall submit to the Commission the names and 24-hour phone numbers of project managers or the persons responsible for site work or mitigation.
26. Before work begins, erosion and sediment controls shall be installed at the limits of the work area. These will include a silt fence and 12 inch straw or silt wattle around the entire work area (haybales are not allowed and silt socks are preferred).
27. The contractor shall contact the Conservation Agent ([concomm@town.arlington.ma.us](mailto:concomm@town.arlington.ma.us) ; 781-316-3012) to arrange for a pre-construction meeting with the on-site project manager to walk through the Order of Conditions, confirm the wash out location, and walk the site to confirm the installation and placement of erosion controls prior to the start of any grading or construction work.
28. The contractor shall provide written Notice of the work start date to the Conservation Agent 48 hours prior to start of work.
29. All dumpsters must be covered at the end of each work day, and no dumpsters will be allowed overnight within the 100 foot Buffer Zone or Adjacent Upland Resource Areas ("AURA") or other Resource Areas.
30. No uncovered stockpiling of materials shall be permitted overnight within 100 feet of any waterway or water body.
31. Areas that are disturbed by construction and access activities shall as soon as possible be brought to final grade and reseeded and restabilized, and shall be done so prior to the removal of the erosion control barrier.
32. Arrangements shall be made for any rinsing of tools, equipment, etc. associated with on-site mixing or use of concrete or other materials such that the waste water is disposed of in the concrete wash out station-at least 50 feet from the resource area. In no case may waste water be discharged into or onto Resource Areas on or adjacent to the site. In no case may waste water be placed in stormdrains. Any spillage of materials shall be cleaned up promptly.
33. Any dirt or debris spilled or tracked onto any paved streets shall be swept up and removed daily.
34. No heavy equipment may be stored overnight within 50 feet of the wetland and no refueling or maintenance of machinery shall be allowed within the 100-foot Buffer Zone, 200-foot Resource Area, and Adjacent Upland Resource Area or within any Resource Area.
35. The Commission, its employees and its agents shall have the right of entry onto the site to inspect for compliance with the terms of this Order of Conditions and Permit until a Certificate of Compliance has been issued.



36. When requesting a Certificate of Compliance for this Order of Conditions, the Applicant must submit a written statement from a Massachusetts professional engineer, registered land surveyor, or registered landscape architect certifying that the completed work complies with the plans referenced in this Order, or provide an as-built plan and statement describing any differences.
37. The Applicant shall install sand bags as erosion control measures on both the north and south side walls during work.
38. The Applicant shall treat invasive species using Alternative #4 listed in the plan proposal. Invasive control should target Japanese Knotweed and Asiatic Bittersweet through mechanical means and targeted herbicide application to stems. By no means should herbicides be applied through spraying. A 3% solution of Renovate™ (tricyclopyr) is approved for direct stem herbicide treatment, and any additional equivalent herbicides need to be approved by the Conservation Commission prior to application. This shall be a continuing condition that survives the expiration of the permit and shall be included in any Certificate of Compliance as a continuing condition.
39. The Applicant shall treat invasive Norway Maple saplings through mechanical means.
40. All invasive treatments shall be reassessed after three years of treatment to determine efficacy of treatment and determine if changes ought to be made. Invasive species monitoring reports shall be submitted to the Conservation Committee annually for three consecutive years, due on November 1st of each consecutive year.
41. The Applicant shall complete the proposed work during low flow conditions only.
42. Pervious surfaces shown on the project plans shall be maintained and not be replaced by impervious surfaces. This shall be a continuing condition that survives the expiration of the permit and shall be included in any Certificate of Compliance as a continuing condition.

**From:** [ConComm@town.arlington.ma.us](mailto:ConComm@town.arlington.ma.us) <[ConComm@town.arlington.ma.us](mailto:ConComm@town.arlington.ma.us)> **On Behalf Of** John Federico  
**Sent:** Wednesday, September 22, 2021 5:28 PM  
**To:** Susan Chapnick <[s.chapnick@comcast.net](mailto:s.chapnick@comcast.net)>  
**Subject:** [ConComm] (W-3029) 17 Mill Street (DEP File #091-0301) - Request for Extension to OOC

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good afternoon,

I am looking to request an extension for an Order of Conditions for 17 Mill Street (DEP File #091-0301). The Order was issued on 10-19-2018 and is set to expire on 10-23-2021. Work on site has been completed, but our office will need some additional time to review the work and prepare the Request for Certificate of Compliance. I have left a voicemail this afternoon but will plan to call your office in the morning (9-23-21) to confirm if anything additional is required to make this extension request. I thank you in advance for your assistance with moving this project over the finish line.

Thank You,

John D. Federico  
Project Engineer  
Guerriere & Halnon, Inc.  
333 West Street  
Milford, MA 01757  
Ph. 508-473-6630  
[jfederico@gandhengineering.com](mailto:jfederico@gandhengineering.com)







## TOWN OF ARLINGTON

730 Massachusetts Ave.  
Arlington, MA 02476  
781-316-3229

### ARLINGTON CONSERVATION COMMISSION

Kristin Botnen  
70 Coolidge Rd.  
Arlington, MA 02476

Re: Site clearing at 70 Coolidge Rd.

Dear Ms. Botnen,

It has come to my attention that unauthorized vegetation clearance has recently taken place at your home, 70 Coolidge Rd., within an area under the jurisdiction of the Arlington Conservation Commission. Per your on-site conversation with Commissioner Charles Tirone on September INSERT DATE, 2021, we are requesting your presence at the next Conservation Commission public meeting to discuss this violation as well as next steps to remedy it.

Please attend the Commissions' public meeting at 7:30 p.m. on Thursday, October 7. This will be a remote meeting held via Zoom. You must register in advance for this meeting via this link: <https://town-arlington-ma-us.zoom.us/meeting/register/tZYqce2rrzMpGtBBEJraBKZVqEM23sZ5BRAx>

If you have any questions before then, feel free to call me at 781-643-4294.

Sincerely,

Susan Chapnick, Chair  
Arlington Conservation Commission



## Town of Arlington, Massachusetts

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### Working Session: Riverfront Restoration / Mitigation for Mass Ave 40B Project

#### Summary:

9:30 p.m.

#### Working Session: Riverfront Restoration / Mitigation for Mass Ave 40B Project

Richard Kirby of LEC will present potential riverfront restoration / mitigation projects to off-set riverfront work that is anticipated for a Massachusetts Ave 40B project. Discussion with Commission to understand benefits / challenges / feasibility of proposed off-site mitigation.

#### ATTACHMENTS:

Type	File Name	Description
▣ Reference Material	Email_from_R._Kirby_regarding_12-14_Brooks_Avenue_Revised_Plan_10032021.pdf	Email from R. Kirby regarding 12-14 Brooks Ave 10032021
▣ Reference Material	Brooks_Ave_Plan.pdf	Brooks Ave. Plan
▣ Reference Material	Property_Owner_Letter_Regarding_Sheds.jpg	Property Owner Letter regarding sheds



**From:** Richard Kirby <RKirby@lecenvironmental.com>  
**Sent:** Sunday, October 3, 2021 11:59 AM  
**To:** s.chapnick@comcast.net; 'Tirone, Charles' <ctirone@ci.reading.ma.us>; 'Nathaniel Stevens' <nstevens@McGregorLaw.com>  
**Cc:** Julia Hoogetboom <jhoogetboom@lecenvironmental.com>  
**Subject:** 12-14 Brooks Avenue Revised Plan and Letter

Hello Susan, Chuck, and Nathaniel. Please forward this email to the remaining Commission members, as I don't have their email addresses.

Attached, please find a revised plan for 12-14 Brooks Avenue, along with a letter from the Property Owner explaining the history of the sheds on the site. The revised plan keeps the sheds in their current location, but adds the following:

1. Existing concrete below the southern deck (plan view right) will be removed and replaced with a pervious paver patio (detail included), and the granite patio will be removed and converted to lawn grass. Proposed reduction of impervious area is now 417 square feet (102 square feet reduction previously proposed in NOI);
2. An 8" deep by 3-foot wide drainage swale has been added along the western privacy fence (plan view bottom) to collect and infiltrate stormwater run-off from the site, and will be planted with six (6) native shrubs as specified on the plan;
3. The compensatory flood storage 'credit' for the gravel void space beneath the northern deck (concrete to be removed) has been removed from the calculation. The 2.93:1 ratio of proposed compensatory flood storage is now calculated by removing the raised garden bed and some existing stairs only. The swale also will provide compensatory flood storage, but was not included in the calculation.

Thank you for your consideration of this information, and we look forward to discussing further at the hearing Thursday night.

Rich

**Take a Hike with LEC!** [September Hike: Sandy Neck Nature Trail](#)

Based on updated guidance from the CDC and the Governors of MA, RI, and NH, all LEC staff are fully vaccinated and have resumed working from their respective office locations. LEC staff will continue to follow the CDC and Governors' recommendations, and follow any policies in place by our clients or any establishment we visit.

Richard A. Kirby

565 of 573

Senior Wetland Scientist

LEC Environmental Consultants, Inc.

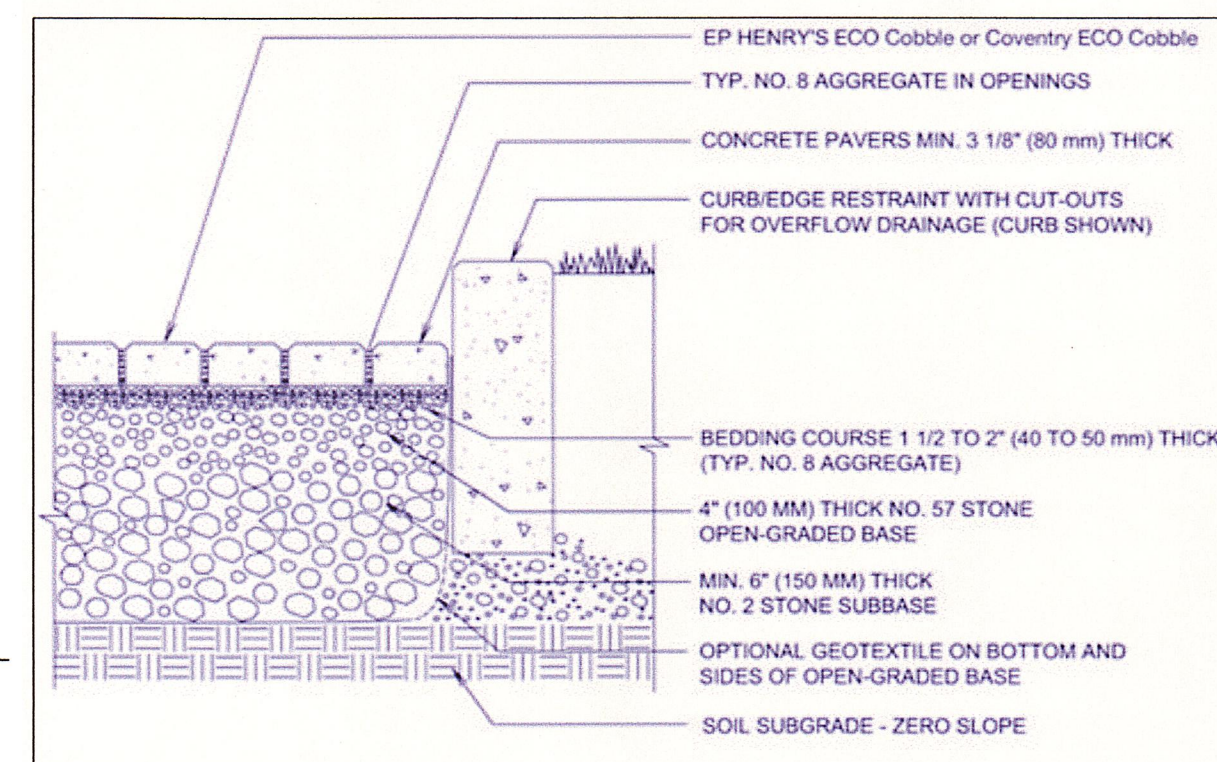
508-813-4129 cell

[www.lecenvironmental.com](http://www.lecenvironmental.com)



*BROOKS AVENUE*

### BITUMINOUS CONCRETE



### Pervious Paver Detail

### CALCULATIONS

SALES

17.0x17.0 DECK  
5 - 1' DIA (0.79 SF) SONOTUBE  
5x(0.79 SF) x (6.8-4.5)  
= 9.085 CF

10.0x24.0 DECK  
3 - 1' DIA (0.79 SF) SONOTUBE  
3x(0.79 SF) x (6.8-4.5)  
= 5.451 CF

ADDITIONAL STAIRCASE 2 CF

TOTAL FLOOD PLAIN (9.085 + 5.451 CF + 2 CF) = 16.54 CF  
TOTAL MITIGATION REQ. = 16.54 CF x 2 = 33.08 CF

EXISTING TO BE REMOVED

160 SF 7" RAISED PLANTER  
160 sf x 0.58' = 92.8 CF

REMOVE STAIRCASE 1 2 CF  
REMOVE STAIRCASE 2 2 CF

TOTAL REMOVED =  $92.8 + 4 = 96.8$  CF

**IMPERVIOUS AREAS**

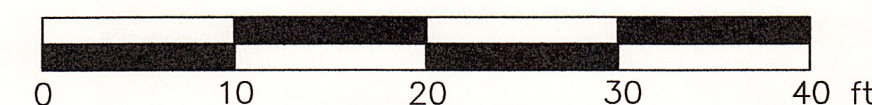
**IMPERVIOUS AREAS**  
EXISTING - 2,735± S.F.  
PROPOSED - 2,318± S.F.

OWNER: DOMINIC CAMELIO, JR. & KELLIE PINI

# CONSERVATION PLAN

**ARLINGTON, MA**  
(MIDDLESEX COUNTY)

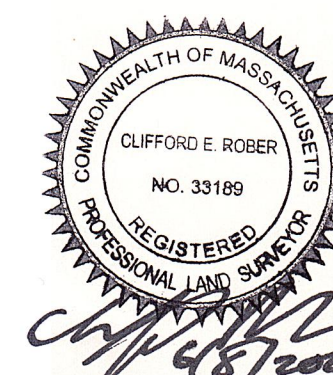
SCALE: 1"= 10'      DATE: JUNE 8, 2021



## ROBER SURVEY

1072A MASSACHUSETTS AVENUE  
ARLINGTON, MA 02476  
(781) 648-5533  
6503PL1.DWG

PROPOSED 8" DEEP X 3' WIDE  
DRAINAGE SWALE TO BE PLANTED  
WITH INKBERRY (ILEX GLABRA) AND  
3 WINTERBERRY HOLLY (ILEX  
VERTICILLATA)



## NOTES

1. ENTIRE PARCEL IS LOCATED WITHIN FLOOD ZONE AE (EL 6.8).
2. ELEVATIONS BASED ON NAVD 88 DATUM.
3. WETLAND MAPPD BY LEC ENVIRONMENTAL ON 8/18/2021





## Town of Arlington, Massachusetts

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### CPA Applications

#### Summary:

9:45 p.m.

#### CPA Applications

Preliminary Applications for CPA grant funding will be discussed for several potential projects.

#### ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	Public_Land_Management_Plan__DPCD__CPA_Application_FY2022.pdf	Public Land Management Plan DPCD CPA Application FY22

# Community Preservation Act Committee Town of Arlington

## CPA Funding – FY2022 Final Application

One (1) electronic copy of the completed application must be submitted to the CPAC **no later than 4 p.m. on December 28, 2020** in order to be considered for advancement to the final application stage, with the electronic copy sent to [jwayman@town.arlington.ma.us](mailto:jwayman@town.arlington.ma.us).

Applications will be date stamped and assigned control numbers in the order that the hard copies are received. This PDF form may be completed on a computer using [Adobe Reader](#).

### 1. General Information

Project Title: Public Land Management Plan

Applicant/Contact: Emily Sullivan

Organization: Department of Planning and Community Development

Mailing Address: Town of Arlington, 730 Massachusetts Ave, Arlington, MA 02476

Telephone: 781-316-3012

E-mail: [esullivan@town.arlington.ma.us](mailto:esullivan@town.arlington.ma.us)

### 2. CPA Eligibility (refer to the chart on page A-4)

CPA Category (select one):

☐ Community Housing      ☐ Historic Preservation      ☒ Open Space      ☐ Recreation

CPA Purpose (select one):

☐ Acquisition      ☐ Creation      ☒ Preservation      ☐ Support      ☐ Rehabilitation & Restoration

### 2. Budget

Amount Requested: \$30,000

Total Project Cost: \$30,000

Signature



Date December 23, 2020

**Please answer and document all questions on the following page** A-1

**PROJECT DESCRIPTION:** Attach answers to the following questions. Applications will be returned as incomplete if all requested information is not provided. Include supporting materials as necessary.

1. **Goals:** What are the goals of the proposed project?

The primary goal of this project is to hire a consultant to create a short- and long-term management plan for all open space, recreational land, and other natural resources, which have been historically neglected. Although some of Arlington's large natural lands are assessed thoroughly during the Open Space and Recreation planning process, the Open Space and Recreation Plan (OSRP) does not include all open spaces and Town-owned natural resources. This plan would complement the OSRP, and create more specific land management actions for these properties. More specifically, Town-owned assets for consideration would include athletic fields, parks, playgrounds, water bodies, conservation lands, historic landscapes and cemeteries, and ornamental historic gardens. The plan would also assess these parcels for invasive species, erosion, restoration opportunities, signage, educational opportunities, trails, and connectivity.

The plan would use the 2018 Study of Town-Owned Lots, conducted by the Department of Planning and Community Development (DPCD) to explore other natural Town parcels that are underutilized and could be managed to create more connectivity between Arlington open spaces. Many of these parcels are owned by the Select Board, and are neglected wooded parcels located in neighborhood settings.

This planning effort would include public meetings, surveys, and other engagement tactics to ensure that the plan development process is inclusive and represents the current priorities of town residents, businesses, as well as the respective Town Departments, committees, and organizations that are responsible for managing and maintaining these parcels.

2. **Community Need:** Why is the project needed? Does it address needs identified in existing Town plans? If so, please specify.

The properties assessed through the Public Land Management Plan are not currently assessed or maintained on a regular basis which has led to cumulative impacts from deferred maintenance. Some of these properties, particularly the Conservation Commission owned properties, are stewarded through the Arlington Land Steward program. Other open spaces are stewarded through Friends Groups. Most efforts to manage the sites are ad hoc and do not follow a specific management plan or connect to a broader community vision for use of these public lands. Due to the informal management of these properties, many of the sites are at risk of becoming significant liabilities due to lack of expenditures to preserve, support, rehabilitate, and restore these assets. A Public Land Management Plan would create a larger vision around the management of these properties and enable Arlington to better utilize and manage its natural resources. For example, the Town could dovetail the planning of future land management needs with other Town efforts, leveraging additional resources and planning in consideration of land access and equity.

In 2016, Arlington formed the Public Lands Maintenance Working Group which included representation from the Town Manager's Office, Parks and Recreation Commission, Conservation Commission, Open Space Committee, Finance Committee, Town Departments of Public Works, Planning and Community Development, and Recreation,



and residents. The Working Group met several times, but was not able to address the issue of decentralized and retroactive public lands maintenance and management in town. The Public Land Management Plan would support the efforts of this Working Group, and make recommendations on how to better manage public land.

3. **Community Support:** What is the nature and level of support for this project? Include letters of support and any petitions.

As noted, the Public Land Management Plan would supplement the Open Space and Recreation Plan to create a more robust assessment of open spaces in town. The Public Land Management Planning process would be led by DPCD with support from the Conservation Commission, Parks and Recreation Commission, Open Space Committee, and Public Land Maintenance Working Group.

4. **Project Documentation:** Attach any applicable engineering plans, architectural drawings, site plans, photographs, any other renderings, relevant studies or material.

Relevant existing plans that will be integrated into the Public Land Management Plan include:

- [Master Plan](#) (linked)
- [Open Space and Recreation Plan](#) (linked, currently being updated)
- Study of Town-Owned Lots (appendix)
- Arlington Tree Management Plan (appendix)

5. **Timeline:** What is the schedule for project implementation, including a timeline for all critical milestones?

Projected Timeline:

Time	Task
Spring 2021	Notification of approval of funding by CPAC and Town Meeting
Summer 2021	Begin RFP process to hire a consultant
Summer/Fall 2021	Hire consultant
2021-2022	Research, data gathering, property assessments, public meetings, and other work to draft recommendations and draft plan for review
Fall 2022	Submit recommendations and plan to Town Manager and Select Board for final approval, reporting the outcome of this effort to Town Meeting as necessary

6. **Credentials:** How will the experience of the applicant contribute to the success of this project?

This project will utilize the experience of DPCD Staff, as well as the expertise of the consultant to be hired, and the participation of many town staff and other town committee members, including the Recreation Department, Park and Recreation Commission, Conservation Commission, Public Lands Maintenance Working Group, and other relevant committees and park friends' organizations.

7. **Budget:** What is the total budget for the project and how will funds be sourced and spent? All items of expenditure must be clearly identified. Distinguish between hard and soft costs and contingencies. (NOTE: CPA funds may not be used for maintenance.)

The total budget for developing the Public Land Management Plan is \$30,000. DPCD requests the full amount from the CPAC to hire a consultant to help with the following critical tasks:

1. assess open space parcels;
  2. conduct research and compile technical information relevant to plan development;
  3. coordinate with relevant departments, committees, and boards on plan development and recommended actions;
  4. conduct surveys, public meetings, and other outreach to obtain a full range of community input to develop goals and objectives for these properties;
  5. provide editorial and graphic design services to ensure that the final Plan is of high quality and meets the needs of the town; and
  6. allocate funds for printing at least 25 hard copies of the final Plan and Appendices for distribution to libraries and relevant town departments and commissions, as well as preparation of digital versions for broader usage.
8. **Other Funding:** What additional funding sources are available, committed, or under consideration? Include commitment letters, if available, and describe any other attempts to secure funding for this project.

This project does not have any other funding sources at this time. If CPA funds are not approved for this project, DPCD will apply for applicable state open space and conservation grant opportunities.

9. **Maintenance:** If ongoing maintenance is required for your project, how will it be funded?

The Public Land Management Plan will not require maintenance; however the Plan will recommend maintenance for Town-owned open spaces. The plan will help the Town identify appropriate resources for any maintenance activities.

10. **Impact on Town Budget:** What, if any, potential secondary effects will your proposed project have on the Town's Operating Budget? Are there any capital projects that rely on the successful completion of your project?

This project request to develop a Public Land Management Plan will not have any secondary effects on the Town's Operating Budget. It is important to note that the Plan will recommend routine maintenance and capital improvement opportunities. It is likely that capital improvement



opportunities will be eligible for state, federal, and private grants. Routine maintenance recommendations may be funded through the DPW and Recreation Department's budgets or special Town Meeting appropriations. There are not any capital projects that rely on the successful completion of this project.

## 11. Appendices

Appendices enclosed in this application include:

- A. Establishment of Working Group for Maintenance of Public Land Memo
- B. Study of Town-Owned Lots
- C. Arlington Tree Management Plan

**ADDITIONAL INFORMATION:** Provide the following additional information, as applicable.

- 1. **Control of Site:** n/a
- 2. **Deed Restrictions:** n/a
- 3. **Acquisitions:** n/a.
- 4. **Feasibility:** n/a
- 5. **Hazardous Materials:** n/a
- 6. **Permitting:** n/a
- 7. **Environmental Concerns:** n/a
- 8. **Professional Standards:** n/a
- 9. **Further Attachments:** n/a

REMINDER: Projects financed with CPA funds must comply with all applicable state and municipal requirements, including the state procurement law, which requires special procedures for the selection of products, vendors, services, and consultants. Project sponsors will be required to meet with Arlington's Town Manager before the Town enters into any contracts or issues any purchase orders. However, this requirement can be waived if adherence to procurement procedures will be overseen by a Town Department Head or other MCPPO certified third party.